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Mrs. S. Wayman	Foulsham, E. Dereham, Norfolk.
Admiral Moresby	The Grange, Chichester.

Mrs MAYBRICK.

From a negative by Medlington Liverpool.

THE MAYBRICK CASE.

A TREATISE

BY

ALEXANDER WILLIAM MACDOUGALL,

B.A. TRIN. COLL. CANTAB., BARRISTER-AT-LAW, LINCOLN'S INN,

ON THE

FACTS OF THE CASE, AND OF THE PROCEEDINGS IN CONNECTION WITH THE CHARGE, TRIAL, CONVICTION, AND PRESENT IMPRISONMENT OF

Florence Elizabeth Maybrick.

"Call me Guilty,
I do but pay the tax that's due to Justice;
But call me Guiltless, then my punishment
Is Shame to those alone who do inflict it."

ἔρχευ ἐπ' εργον
Θεόισιν ἐπευξαμενος τελέσαι.

LONDON:
BAILLIÈRE, TINDALL AND COX,
20 & 21, KING WILLIAM STREET, STRAND.
1891.

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THIS WORK IS DEDICATED

TO

JAMES CHANDLER MAYBRICK, AGED 8 YEARS,

AND

GLADYS EVELYN MAYBRICK, AGED 4 YEARS,

BY THE AUTHOR,

WITH THE SINCERE HOPE THAT IT WILL ENABLE THEM TO FEEL

DURING THEIR LIVES THAT THE WORD

MOTHER

IS NOT "A SOUND UNFIT TO BE HEARD OR UTTERED" BY THEM,

AND

THAT WHEN THEY ARE OLD ENOUGH TO BE ABLE TO UNDERSTAND

THIS RECORD OF THE FACTS AND CIRCUMSTANCES

CONNECTED WITH THE CHARGE PUT UPON,

AND THE TRIAL OF,

FLORENCE ELIZABETH MAYBRICK, AGED 27,

HER CHILDREN

MAY HAVE, THROUGHOUT THEIR LIVES, THE COMFORT OF

FEELING THAT THEIR MOTHER WAS NOT PROVED TO BE GUILTY

OF

THE MURDER OF THEIR FATHER,

JAMES MAYBRICK.

MR. JUSTICE STEPHEN.

SINCE this book was in print Mr. Justice Stephen has retired from the Bench, and on the 7th of April, 1891, when publicly taking leave of the Bar, he made a statement as to the cause of his retiring, which, as I have criticised in this book the way in which he conducted Mrs. Maybrick's trial, I think it is only just that I should set out here, though I am not, of course, prepared to accept the doctrine of infallibity which he adopts as applicable to himself and to the eminent, but anonymous, physicians to whom he refers.

He said:

"Not very long ago I was made acquainted, suddenly, and to my "great surprise, that I was regarded by some as no longer physically "capable of discharging my duties. I made every inquiry to ascertain "what grounds there were for this impression, and I certainly rejoice "to say that no single instance was brought to my notice in which "any alleged failure of justice could be ascribed to any defect of mine. "I consulted physicians of the highest eminence, and they told me that "they could detect no sign whatever of decay in my faculties, and "that therefore it was not a matter of immediate necessity in the "public interest that I should retire."

In his public life as a Judge he is, of course, open to criticism, and it is merely his public acts, when sitting as Judge at Mrs. Maybrick's trial, which are criticised in this book.

In his private life he is open to nothing except the warm sympathy of all, which is always due to a man who, like himself, has, in different ways, done great and lasting services to his country.

A. W. McD.

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THE MAYBRICK CASE.

THE proceedings in this case took place in Liverpool in consequence of the death of James Maybrick, aged 51, cotton merchant, of Liverpool, at his private residence, Battlecrease House, Garston, a suburb of Liverpool, on Saturday, the 11th of May, 1889.

Great public excitement prevailed during the whole course of the proceedings—the circumstances connected with his death being regarded as a Mystery. The medical men, Dr. Humphreys of Garston and Dr. Carter of Liverpool, who were in attendance on him during his fatal illness, had not attended him on any previous occasion, and were unacquainted with his habits or constitution, and, as they were unable to assign the cause of death, and had refused to give a certificate, the Coroner was communicated with, and a *post-mortem* examination was made on Monday, the 13th May, by Dr. Humphreys and Dr. Carter, assisted by Dr. Barron, but, these medical men being still unable to assign the cause of death, certain portions of the body were selected by them and placed in sealed jars. Dr. Humphreys also took samples of the contents of the sinks, both inside and outside of the house, which were put into bottles.

On Tuesday, the 14th, these jars and bottles were handed by the police to Mr. Edward Davies, a local analytical chemist, for analysis; and on the same day Mr. S. Brighouse, the County Coroner, opened an inquest at the Aigburth Hotel, at which however the only evidence taken was the formal identification of the deceased by his brother, Michael Maybrick, and the inquiry was then adjourned for a fortnight. The *Liverpool Daily Post* (May 15th) reported that— Inquest.

"The Coroner said there had been a *post-mortem* examination by Dr. Humphreys on Monday, and that the result of that examination was that poison was found in the stomach of the deceased in such quantities as to justify further examination. For this purpose the stomach and its contents would be chemically analysed, and on the result of that analysis would depend the question whether or not criminal proceedings against some person would follow." Coroner Brighouse.

This was the first introduction of the subject to the public, and the *Liverpool Daily Post*, not unnaturally after such a statement by the Coroner, headed its report of the inquest with large type letters—

Suspicious circumstances.

to him which he was going to place in the hands of Mr. Davies, an analyst, to ascertain whether any poison was present in them, and he also knew that the medical men who had attended the deceased in his illness, and who had been present at the post-mortem, had not been able to say that the deceased had not died of natural causes. So he was very careful to be very indefinite in what he said about it, and merely said—

"You are in custody on suspicion of causing the death of your husband."

Now, it strikes me as a matter of serious importance, as a frightful danger to all domestic life, if a policeman can, whenever the medical men are unable to assign the cause of a death—go into a house and take the widow into custody in such a way as this. Will my readers try to conceive such a proceeding in their own house? The only information which has transpired during the proceedings as to the grounds upon which Superintendent Bryning took this extraordinary step, is that on Sunday night, the 12th, Inspector Baxendale had called at the house and "made inquiries and taken particulars," and that on Monday, the 13th, Superintendent Bryning had been to the house and "taken particulars." But no syllable of information has been given either to the jury or the public, as to the persons from whom the "inquiries were made," or as to what "the particulars taken" were. It is surely inconceivable of English life that merely because the police choose to say that they "made inquiries," and "took particulars," a policeman can go into a house, before even an inquest is held, and at a time when the medical men are unable to say whether the man died a natural death or not, and take the widow, lying ill in bed, into custody on such an indefinite charge as—

"On suspicion of causing the death of your husband."

Inquiries made and particulars taken.

Do not let us pass over this question. Those "inquiries made" and "particulars taken" ought not to be left in Mystery. There is no reason now why they cannot be disclosed, unless it be the unwholesome reason of sheltering the persons who brought the police in. Let us know the names of the persons of whom the police made their inquiries, and what the "particulars taken" of their statements were. The "particulars taken" by policemen are in writing, and can be produced. We must bear in mind, that whatever necessity there may be for the police to "make inquiries" and "take particulars" in secret, at the time when they are actually engaged in investigating crime and preparing materials for the prosecution of suspected persons, the accused person, by the law of the land, is entitled to know what the evidence which has been collected by the police is, before he is called upon to plead to the charge preferred against him, so that he may prepare his

defence to meet that evidence. That is the legal right of every accused person. But beyond this there is a duty on the Crown, and of late years, our judges have frequently taken occasion to point out that a serious danger to the administration of justice arises from the evasion of that duty by the police in withholding from the jury any facts, in favour of the accused person, which have come to their knowledge during their investigation of the matter. On many recent occasions our judges have solemnly rebuked the police for neglecting this duty, and have pointed out that a prosecution by the Crown is not a vindictive proceeding; and that the duties of the police are not merely to secure a conviction, and that they ought not to suppress facts favourable to a prisoner; that a prosecution by the Crown has only one aim—Justice—and that to secure this, "the truth, the whole truth, and nothing but the truth" must be told to the jury by its officers. Bearing this in mind I press upon public attention these two questions—

(1) Of whom had the police made inquiries?
(2) What were the particulars taken?

when, on that Tuesday, the 14th of May, Superintendent Bryning selected Mrs. Maybrick out of all the inmates of that house and took her into custody on such an indefinite charge as—

"On suspicion of causing the death of your husband."

There is a special necessity for insisting upon a disclosure in this case from the fact that Superintendent Bryning—speaking from the inquiries made and particulars taken—made an entirely different statement concerning a most material part of the case (when he obtained a committal by the magistrates) to that which Mr. Addison, the Crown Counsel, made at the trial itself, viz., as to the date of Mr. James Maybrick's first illness.

See page 68.

Mrs. Maybrick having been thus taken into custody on this Tuesday, the 14th of May, was surrounded in her bedroom by policemen and attended by two professional nurses, and things remained in this position until Saturday morning, the 18th, when the next step in these proceedings was taken. Colonel Bidwell, one of the county magistrates, then went to Battlecrease House; and having requested the medical men in attendance on her (Dr. Humphreys and Dr. Hopper) to say whether she was sufficiently recovered to be safely removed, and they having given their consent, Colonel Bidwell opened a Court in her bedroom; and—

Magisterial proceedings.

"Superintendent Bryning, who took up a position at the foot of the bed, said: 'This person is Mrs. Maybrick, wife of the late Mr. James Maybrick. She is charged with having caused his death by administering poison to him. I understand that her consent is given to a remand, and therefore I need not introduce or give any evidence.'

MAGISTERIAL PROCEEDINGS.

"Mr. Swift (the Magistrate's Clerk): 'You ask for a remand for eight days?'

"Superintendent Bryning: 'Yes; that is so.'

"Mr. Arnold Cleaver: 'I appear for the prisoner, and consent to a remand.'

"Colonel Bidwell: 'Very well. That is all.'"

The *Liverpool Daily Post*, in reporting these very unusual proceedings, very naturally headed its report in large type as—

"EXTRAORDINARY MAGISTERIAL PROCEEDINGS,"

and stated that—

"There were present at the opening of the Court, Colonel Bidwell, Mr. Swift (clerk), Superintendent Bryning, Messrs. R. S. and Arnold Cleaver, Dr. Humphreys, Dr. Hopper, and one representative of the press."

and further stated the grounds for these "extraordinary magisterial proceedings" thus—

"Since the death of her husband the unhappy lady has been completely prostrated; and as the police considered they had collected sufficient evidence to justify them in the steps they have taken, it was deemed advisable to prefer the formal charge against her at her own residence without waiting till the doctors should certify that she was in a fit state to be taken to the Court in the ordinary way."

Now the statement that "the police considered that they had collected sufficient evidence to justify them in the steps they had taken," is a very remarkable statement. On Tuesday, the 14th, Superintendent Bryning had been cautiously indefinite in the charge upon which he took Mrs. Maybrick into custody, then the charge was—

Supt. Bryning.

"On suspicion of causing the death of her husband."

But on this Saturday, the 18th, he was very definite.

"She is charged with having caused his death by administering poison to him."

It was no longer a "suspicion of causing death" in some undefined way! The matter had developed by some evidence collected by the police in the meantime beyond the stage of "suspicion," beyond the stage of uncertainty as to the cause of death, into the definite charge of—

"Having caused his death by administering poison to him."

Now this increases the Mystery, because at that time, and indeed, it was not until many weeks after, until after the body had been exhumed and fresh portions of it taken for analysis—for none was found in the portions taken at the post mortem—that any weigh-

able poison had been found in the body. What then were the particulars taken by the police which were considered sufficient to justify Colonel Bidwell (before even the Inquest had been held, and before the medical men had expressed any opinion that Mr. James Maybrick had died other than a natural death, and before any arsenic had been found in the body) in holding a Magisterial Court in Mrs. Maybrick's bedroom, at which Superintendent Bryning, standing at the foot of her bed, said— MAGISTERIAL PROCEEDINGS.

"She is charged with causing the death of Mr. James Maybrick by administering poison to him"?

This woman was lying then ill in bed, caught like a poor little mouse in a trap; with two professional nurses attending on her, and with policemen stationed in her bedroom and at her bedroom door, there was not and could not be the slightest chance of her escaping. Superintendent Bryning said—

"I understand that her consent is given to a remand,"

and Mr. Arnold Cleaver said—

"I appear for the prisoner, and consent to a remand."

So Colonel Bidwell says—

"Very well; that is all."

and Mrs. Maybrick is thereupon taken from her bed and driven to Walton Gaol on the 18th of May, and she has been in gaol ever since.

Now, I would like to know why Mr. Arnold Cleaver consented to a remand? Why did he not say "No! You have opened a magisterial court in this lady's bedroom, and have said— MR. ARNOLD CLEAVER.

"'She is charged with having caused the death of her husband by administering poison to him!'

"Bring your evidence. Show the Court the grounds you have for suggesting that Mr. James Maybrick did die of poison, and that Mrs. Maybrick administered any poison to him."

Surely these "extraordinary magisterial proceedings" must have struck Mr. Cleaver as unfair to his client as creating a Mystery which would surround any case so got up with all the mischief of public excitement. The only explanation we have yet had of what Superintendent Bryning described as "her consent," is contained in the report of the "one representative of the Press," who was present; and I will set out, *in extenso*, the report as it appeared in the *Liverpool Daily Post* of 20th May, 1889:—

"EXTRAORDINARY MAGISTERIAL PROCEEDINGS.

MAGISTERIAL PROCEEDINGS.

"On Saturday forenoon, Superintendent Bryning, of Garston, who is in charge of the division of the county police in which the residence of the late Mr. Maybrick is situated, proceeded to the County Magistrates' Court at Islington, and held a consultation regarding the case with Mr. Swift, one of the clerks to the justices. The result was that the superintendent and Mr. Swift, accompanied by Colonel Bidwell, one of the county magistrates, proceeded by train to Battlecrease House, Grassendale, for the purpose of formally charging Mrs. Florence Elizabeth Maybrick, aged 26, with the wilful murder of her husband by administering poison to him. Since the death of her husband the unhappy lady has been completely prostrated, and as the police considered they had collected sufficient evidence to justify them in the steps they have taken, it was deemed advisable to prefer the formal charge against her at her residence, without waiting till the doctors could certify that she was in a fit state to be taken to court in the ordinary way. At Battlecrease House the above-named gentlemen were met by Messrs. Arnold Cleaver and Richard S. Cleaver, solicitors, who were present to watch the proceedings in the interests of Mrs. Maybrick. Previous to entering the house a long conversation took place between the magistrate, the police, the doctors, and Messrs. Cleaver, during which the nature of the evidence against the prisoner was disclosed. On hearing this, Messrs. Cleaver at once said they would offer no objection to a remand. Dr. Humphreys and Dr. Hopper, the medical gentlemen who were in attendance on Mrs. Maybrick, then entered the house to see if the lady was in a condition to permit of the formal proceedings taking place in her bedroom. In a few minutes they returned and gave their consent. The magistrate and others then went into the house, proceeding direct to Mrs. Maybrick's bedroom. There were present Colonel Bidwell, Mr. Swift (clerk), Superintendent Bryning, Messrs. R. S. and A. Cleaver, Dr. Humphreys and Dr. Hopper, and one representative of the press. Mrs. Maybrick was unable to leave her bed, and although apparently fully conscious of all that transpired, made no movement, and seemed to be in a very weak and prostrate condition. In addition to those in the room immediately concerned in the case, there were seated outside a policeman and a nurse who had been attending Mrs. Maybrick. Owing to the hasty decision on the part of the police to institute proceedings, the people in the neighbourhood were quite unaware of the serious aspect which the case had assumed, and there was a total absence of the usual crowd of sightseers. A policeman in plain clothes was stationed at the entrance of the drive leading to the house, and several tradesmen and others who wished to enter were quietly informed that they must call at some more convenient time.

"On entering the room of the accused,

"Superintendent Bryning, who had taken up his position at the foot of the bed, said: This person is Mrs. Maybrick, wife of the late Mr. James Maybrick. She is charged with having caused his death by administering poison to him. I understand that her consent is given to a remand, and therefore I need not introduce nor give evidence.

"Mr. Swift: You ask for a remand of eight days?

"Superintendent Bryning: Yes, that is so.

"Mr. Arnold Cleaver: I appear for the prisoner, and consent to a remand.

"Colonel Bidwell: Very well, that is all.

"Immediately after the termination of the proceedings Mrs. Maybrick was removed in a hired carriage to Walton Gaol, accompanied by Superintendent Bryning, Dr. Humphreys, and a nurse. At the gaol she was received by the governor, and immediately conveyed to the hospital, where she received the special attention of the gaol surgeon. She still remains in a very prostrate condition. She will be brought up at the County Magistrates' Court to-day week, or, if not sufficiently recovered, a magistrate will attend at the gaol to grant another remand."

Now unless that conclave of gentlemen—Colonel Bidwell, Mr. Swift (clerk), Superintendent Bryning, Messrs. R. S. and Arnold Cleaver, Dr. Humphrey and Dr. Hopper—can be taken as having lost their heads, and become all hysterical together in the presence of the Maybrick Mystery, can any one of my readers conceive a possible explanation of these— MAGISTERIAL PROCEEDINGS.

EXTRAORDINARY MAGISTERIAL PROCEEDINGS.

I only trust that if I were to die, after an illness during which I had been attended by some medical men who, having never attended me before, and knowing nothing of my constitution and habits, found themselves unable to assign the cause of death and give a certificate, my widow will not be exposed to any such outrage as this, and that there will be no Colonel Bidwells, as magistrates, or Mr. Swifts, as magistrate's clerks in the neighbourhood, and that my widow's solicitors, instead of consenting—as Messrs. Cleaver did—to a remand, will indignantly protest against any such proceedings as took place in Mrs. Maybrick's bedroom, and peremptorily insist upon having the evidence of such a charge as this brought forward in her presence and will make it public there and then. The explanation of what did occur is that—

"Previous to entering the house a long conversation took place between the magistrate, the police, the doctors, and Messrs. Cleaver, during which the nature of the evidence against the prisoner was disclosed. On hearing this, Messrs. Cleaver at once said they would offer no objections to a remand."

[NOTE.—*I requested Mrs. Maybrick's mother, the Baroness de Roque, to write me out an account of what happened on her arrival at the house. She writes me accordingly as follows:—* BARONESS DE ROQUE'S ARRIVAL.

"I arrived from Paris at Liverpool on Friday, 17th of May. I met Michael Maybrick by chance in the station at Liverpool, where he said to me, 'Florrie is very ill; Edwin will tell you everything. It is a case of murder, and there is a man in the case.' Not comprehending at all, and perfectly dazed, I went out to Battlecrease. I had never been to the house before. Edwin met me in the vestibule and took me into the morning room. He was much agitated. I asked what it all meant, and said, 'Why did you not send for me before? why was I not allowed to come?' He said, 'Florrie did not ask for you, and no one knew your address.' I said, 'Oh, everyone knew it, "Paris" would have found me. Tell me what has happened. Michael told me you would explain. I must see Florrie at once.' He replied, 'The police are in the house.' I said, 'Police, why?' He replied, 'I suppose you know it is said Jim was poisoned.' I asked, 'Poisoned by whom?' Then he went on to tell me in a broken way that Michael had suspected, and the doctor thought something was wrong. I asked, 'What doctor?' He replied, 'Dr. Carter, and we thought Jim was not properly nursed. The nurse said Florrie put something in the meat juice, and Michael gave it to Dr. Carter. He refused a certificate of death, and then the police came in.' I said, 'Why not have sent for me? How could you deliver her up to the police in this way and not a friend by her? Who has been here?' He said, 'Mrs. Briggs, but she left on Wednesday. I assure you we had no idea matters would result in this way. I would rather cut my hand off than

Baroness de Roque's arrival.

have had it so.' I said, 'But the children. How could you ruin their future? Your suspicions alone are horrible, and for a girl like that, without father, brother, mother— You are doing her to death among you, and for what motive?' 'Oh!' he exclaimed, 'I have been very fond of Florrie. I would never have believed anything wrong of her. I would have stood by her, and I did until the letter to a man was found.' I said, 'Letter to a man, what man? Do, Edwin, tell me a straight story.' He replied, 'Why to the man Brierley, she wrote him a letter and it was found.' I said, 'Who found it? You? And who is Brierley? When did she know him? She never mentioned him to me.' He replied, 'She met him this winter at some dances, and she was always so quiet and domestic before, I would never have believed it of Florrie, but this winter she was changed and would go out to dances—I wish I could meet Brierley.' 'Yes,' I exclaimed, 'that is just about the best thing you could do. In my country and among the men I have known, they would have met Brierley instead of calling in the police. But about this letter, who found it?' He said, 'Nurse.' I asked, 'Where? and if she found it why did she not give it back to her mistress? What have *you* to do with it?' He replied, 'She found it on the floor, it fell from her dress when she fainted, and I carried her into the spare bedroom.' But I said, 'How did you know it was to Brierley?' He replied, 'It was directed to him, it was written in pencil and fell on the floor.' I was in despair at this unconnected story and went upstairs. I found two policemen in the hall upstairs. I went into an open door, my daughter was lying on the sofa, deadly pale; a policeman was sitting in a chair near the sofa (I believe he was an inspector, he was always very civil), a fat nurse (Wilson, I think) sat in a chair near her. I went in and wished to kiss her, but the nurse interposed. I took no notice of her and I kissed my child. I said in French to her, 'What are these people doing here?' The nurse said, 'You must speak only English.' The inspector said, 'I warn you, madam, I shall write down what you say,' and he had paper and pencil. I said, 'You may write as much as you like, my friend. I have nothing wrong to say; but it strikes me as very strange to see you in this room.' Mrs. Maybrick spoke up, 'Do mammy dear, don't excite yourself, the inspector is only doing his duty.' 'But,' I said, 'What is the nurse for and the people outside? I consider it infamous; and Edwin seems to have lost his head. What on earth does it mean?' Mrs. Maybrick replied, 'They think I have poisoned Jim.' 'Poisoned Jim!' I said, 'Why, if he is poisoned he poisoned himself—he made a perfect apothecary's shop of himself, as we all know.' Mrs. Maybrick replied, 'Mamma, go into Liverpool, and see my solicitor, Mr. Cleaver; he will explain everything. Please do not say anything.' I then sat down near her and asked her a few questions, and she said in reply, 'Dr. Hopper and Mrs. Briggs and Michael believe me guilty; but, mammy, I am innocent.' I then went down stairs, as the fat nurse suggested I should do—a thin nurse (Gore) was standing outside the door. I again got hold of Edwin, but I could obtain no further details than that an intrigue with a man had been discovered, and that they wanted an excuse to send Florrie home to me and keep the children; and to clinch matters they called in Dr. Carter and mentioned their suspicions, and that she had put something in the medicine, and that he (Dr. Carter) had turned and declared he would not give a certificate of death. Later on that evening Mrs. Maybrick had a violent fit of crying and hysteria—violent for her, who is so calm by nature. I went in to her. The two nurses were there holding her down in bed. I said, 'If you will kindly sit down and let me hold her hand and soothe her she will be quiet; as my child I know how to help her.' The nurses refused, and I went in and out of the room in despair. She seemed dying to me—so white and wretched, and those two policemen in the room, not a friend in the house, the children gone, Edwin also had left, Michael had gone to London. It was awful, and it seemed as if every hour a tray was brought up with some food for some of these four men and women to eat in

the hall. Mrs. Maybrick was apparently unconscious of everything. The four policeman and two nurses were in her bedroom, and were holding her down in bed. The men had hold of her bared arms and legs, and I was outraged. I pulled the fat nurse (Wilson) away, and ordered the men out, and said, 'I know more of nursing than you do. These men have no right in a lady's room, and there is nothing to fear as to violence. If you will let me hold her hand and speak to her she will be calm.' The fat nurse (Wilson) was very insolent, and said, 'she would put me out if I did not take care; she was in charge and should act as she thought best.' Finding it useless to resist I left. The dishonour of the situation came over me in an overpowering manner, and I exclaimed, 'Better death than such dishonour.' (I heard later that this remark of mine was believed to mean that I would give her poison to escape further dishonour.) I went to my bedroom. In the inner room one nurse slept, and she passed through my room to go to hers. The first thing next morning, having had no detailed account of anything, I again saw Edwin, who told me 'Florrie swooned on Saturday on the sofa in the room where Jim was dying, and I took her up unconscious, and placed her on the bed in the spare room. She was completely unconscious until Monday. She never moved or spoke, and on Monday they had asked, so Mrs. Briggs told me, if I should be sent for, and she said no—in fact,' he said, 'they all lost their heads.' At ten o'clock I saw Alice Yapp. I asked who she was. The nurse in attendance said she was the children's nurse. I went into the nursery and said to her, 'Are you Bobo's and Gladys' nurse?' She replied, 'Yes.' 'How are the children?' She replied, 'Very well.' 'Are you the nurse who has been here so long?' She replied, 'Yes.' 'And are you the one who has caused additional trouble to that poor young thing by showing letters you find?' She replied, 'She weren't a poor young thing then.' 'Well,' I said, 'You are an ungrateful, disloyal servant.' Up to this time no one had told me a word of what was in any letter. After leaving Alice Yapp I went to Mrs. Maybrick, and told her the nurse was there from the Janions to get some clothes for the children, and that if she would give me the name and street of her solicitor I would go into Liverpool. I had never been about in Liverpool, and did not know the name of a street or my way. The nurse was in the room (Gore), the thin one—I did not then know their names. I saw only four policemen (or three policemen and one Inspector), and two nurses. Edwin did not come upstairs into Florrie's room, but the thin nurse wrote Cleaver's address. I had never heard the name before, in fact, I was a complete stranger in Liverpool. I then saw Elizabeth Humphreys, the cook, for the first time. She said to me, 'I wish I could help missus—Baroness.' I replied, 'I wish you could, but I myself understand nothing.' There was no way of having any conversation in the house. The policemen and nurses were listening, and they all had paper and pencil, and were always rapidly taking notes of heaven knows what, and whispering together. All the downstair rooms were locked except the dining and morning rooms, and upstairs all but Mrs. Maybrick's room and the one I and nurse used. Before I started for Mr. Cleaver's, I went in to Mrs. Maybrick and said, 'I have been trying to get something out of Edwin, but I understand nothing. Will you tell me my dear, what this talk of fly-papers means, for Edwin has just said there were some fly-papers found. What were they for?' Mrs. Maybrick replied—'Why, for cosmetics.' I then said to her in French—'Tell me, have you really done anything wrong, my dear, to your husband?' She replied—'No, mamma, I swear to you I am innocent. I did put a powder he asked for in the meat juice, but he did not have it.' Here the nurse interposed—the thin one (Gore), and, in despair, I said, 'Well, I will go to Liverpool, and return as soon as possible.' I accordingly went to Mr. Cleaver's office, and after being there five minutes a telegram was handed him, which seemed greatly to surprise him. He said hurriedly, 'They are going to meet in half an hour, and if you wish to

Baroness de Roque's arrival.

Baroness de Roque's arrival.

see her before she is removed you had best hurry.' I did not wait a moment, and only half understanding, I rushed back to Battlecrease, but arrived too late to see her, the house *was filled with thirteen men.* Dr. Hopper spoke to me, and said, 'It is on your account they are removing her so soon,' of which I understood nothing at the time, but learned afterwards that it was because of the exclamation—'Better death than this dishonour,' which I had made the night before. There was a man there whom they said was a magistrate, whom I asked to be allowed to say 'Good bye,' to my daughter. He refused. I asked him if he had not a mother that he couldn't feel how I felt? I think that vexed him; anyway he refused to allow me to see her. I went up to my bedroom, which looked out on the front, to try to see her face as they put my child into the cab, and they turned the key and locked me in. After the cab had gone I shook the door, and a policeman unlocked it, and I asked by whose orders he had locked me in. He mumbled something I did not hear. He was a red-haired fellow, not one of those I had seen before. Dr. Humphreys went with my daughter in the cab to Walton jail, and he sent me a kind note, with Mrs. Maybrick's love. He told me that as she had no money he had let her have a few shillings himself. They hurried her away in so unseemly a manner, that even her hand-bag with toilet articles was left behind. They wrapped her up in so hurried a manner that the nurse snatched up my cloak and hat and put it on her, and they hustled her into an arm chair, she being too weak to stand, and she was carried to the cab.—CAROLINE DE ROQUE."

This narrative was read to two of the servants in the house, Elizabeth Humphreys, the cook, and Mary Cadwallader, the parlour-maid, and they say that it accurately represents the treatment, both of the mother on her arrival and of Mrs. Maybrick. I will ask any of my readers to conceive such a state of things in their own household, whether rich or poor. At that time, not only had no doctor (although they had attended him during his illness, and had made a post-mortem examination) been able to say that he had not died a natural death, but no arsenic had been found in the body. From that moment till now Mrs. Maybrick has been in gaol, and the house was left to be ransacked by unfriendly persons, and the police, with their assistance, got up the case against her.—A. W. McD.]

I think the public ought to have the "particulars" of that long conversation outside the house which made Messrs. Cleaver so complaisant. One thing is perfectly certain, and that is, that whatever the "evidence" was which was disclosed to this group of mystified gentlemen outside that house at that conversation, which the "one representative of the Press" does not appear to have heard, on that 18th May, none of it has yet been disclosed to the public, and was not even given in Mrs. Maybrick's presence. All that the public know is the evidence which was disclosed at the Trial, and according to that neither had the medical men at that time come to any conclusion as to the cause of death, nor had any weighable arsenic been found in the body. The question which arises at this stage of these criminal proceedings is—What could have been the necessity for the police treating this woman in this way?

Was it because she was an American, and friendless? As soon

as the breath was out of the body of James Maybrick, and while the widow was lying in that mysterious speechless swoon, Michael and Edwin Maybrick, with Mrs. Briggs and Mrs. Hughes as coadjutors, usurped control in that house, sent the children away, and five of the inmates of that house, viz.:

Search for arsenic on the premises. (See post.)

Michael Maybrick,
Edwin Maybrick,
Mrs. Briggs,
Mrs. Hughes, and
Alice Yapp,

set to work to find, and said they found—for the finding of these things by these five people is a "suspicious circumstance"—they went straight to places open and accessible to everybody, and only to those places, and put their hands, without any difficulty, upon large quantities of arsenic in all sorts of forms, arsenic mixed with charcoal "poison for cats," bottles of arsenic in a state of solution, and arsenic in crystals, enough altogether to poison fifty people, and a remarkable circumstance in connection with these things is that, although these five people found this arsenic in places open and accessible to everybody, nobody had ever seen any of it in the house before, and nobody at the trial could say where it had all come from, and that except what these five people found in this curious way, while Mrs. Maybrick was lying in that mysterious speechless swoon, nobody else ever found anything in the house which would have killed a mouse. There was another "suspicious circumstance" connected with this finding of arsenic after death by these five people, and that was that Alice Yapp found the packet labelled "Arsenic, poison for cats," on Saturday, the 11th, a few hours after death, and brought it to Michael and Edwin Maybrick, who sent for Mr. Steel at midnight, as a solicitor, to advise them, and who did advise them to seal it up in a "sealed package" and lock it up in the cellar, and that though Michael Maybrick, Edwin Maybrick, Mrs. Briggs, and Mrs. Hughes (in the presence of each other as witnesses), found the other things on the next morning, Sunday, the 12th, it was not until 8-30 p.m. on that night that these people gave "particulars" of what they found on Sunday morning to Inspector Baxendale (who then took possession of them), and did not even then tell him about the "Arsenic, poison for cats," which Alice Yapp had found the night before, and which Mr. Steel, a solicitor (and who might have been useful as a witness), had regarded as of so much importance as to advise its being made a sealed package of and locked up in the cellar. Now, why did not Superintendent Bryning and Inspector Baxendale suspect any of these people who had produced these things in such a curious way? Why did he select Mrs. Maybrick alone out of all the inmates of that house, and say to her—

"Mrs. Maybrick, you are in custody on suspicion of causing the death of the late Mr. James Maybrick."

If it was necessary to take anybody into custody, why did they not treat these five people—Michael Maybrick, Edwin Maybrick, Mrs. Briggs, Mrs. Hughes, and Alice Yapp—in the same way, instead of, on the contrary, leaving them free to roam over that house and assist the police in finding incriminatory materials against Mrs. Maybrick? I again press the questions—From whom did the police make inquiries? and what were the particulars taken?

Suspicious circumstances.

The fact that Dr. Carter and Dr. Humphreys, who had attended the deceased during his illness, and had been present at the post mortem, were unable to assign the cause of death, coupled with the fact that arsenic was found in the house after death, might possibly constitute a sufficiently "suspicious circumstance" (although I dare say there are not many houses in which arsenic or some other poison could not be found) to put the police upon inquiry concerning the inmates of that house, and to justify them in "suspecting" everybody in it who could have had access to the arsenic, and it was the duty of the police at all events in such circumstances to find out who had put that arsenic there; but the police never did find out where the arsenic came from, and that being so, the curious way in which this arsenic was found by these five people, and also the curious way in which part of it was handed to the police on one day and part (which had been found the day before) on another were also "suspicious circumstances" quite sufficient to put the police upon inquiry as to how these five people came to find it. Was it the evidence of these five persons which Superintendent Bryning disclosed on Saturday, the 18th, outside the house, to Colonel Bidwell, Mr. Swift (clerk), Messrs. R. S. and Arnold Cleaver, Dr. Humphreys and Dr. Hopper, and on hearing which Messrs. Cleaver so complaisantly consented to a remand, and upon which Superintendent Bryning said—

"She is charged with having caused the death of her husband by administering poison to him"?

The conduct of the police in selecting Mrs. Maybrick out of all the inmates of that house, and taking her into custody, and leaving these five people—who had thus exhibited the most unfriendly of all feelings against her (the feeling of Suspicion)—to roam over that house and assist the police in making up a case against Mrs. Maybrick, while they had got her like a mouse in a trap, ill in bed, with policemen and professional nurses in charge of her—was surely the most outrageously unfair thing. What chance had she of defending herself? Surely, if the Maybrick case lets light upon the way in which the police get up cases for the

Crown, it is time we all began to think that it may be our turn next, and take some steps to secure fair play. Suspicious circumstances.

In this Maybrick case, from first to last, the question has been one of "suspicious circumstances;" and in dealing with it, from beginning to end, it is suspicious circumstances we have to deal with.

Now, Suspicion is itself a nasty idea. There is, in the sound of the very word, a sibilation which reminds one of the hissing of a "snake in the grass," and it is the first instinct of a healthy mind (and certainly the first duty of a policeman) when the word "suspicion" is heard, to look round and see where the sound proceeds from—to look out for the "snake in the grass." It is a sort of intuition which warns us when we hear of a person being "suspected" to inquire, "Who suspects?" and those who suspect others must expect to be suspected themselves.

Now who was it told the police to "suspect" Mrs. Maybrick?

I propose presently to look round that household by the light of the evidence disclosed at the trial, to see who it was who set the suspicions against Mrs. Maybrick going—and I shall endeavour to trace the "genesis" or birth of these "suspicions."

But first as regards the relations of James Maybrick and his wife, the position of matters in that household, so far as was disclosed in Court, was this, that prior to the 16th of March, 1889, (which Mr. Addison in his opening speech for the Crown said was "the first date in the case,") Mr. and Mrs. Maybrick lived on affectionate terms with each other, and evidence was given that all through their married life of eight years there had never been any quarrel or unhappiness between them, that they were affectionately attached to each other and to their two children, and lived a thoroughly quiet and domestic life. Superintendent Bryning in his speech making the charge against Mrs. Maybrick at the Magisterial Inquiry on the 13th of June, 1889, said:— Relations of man and wife.

"From what the police know, it appears that he and his wife lived happily together until about the time of the Grand National this year, which was run on the 29th of March."

As regards then the relations between this man and wife the evidence of every witness at the Trial was that a quarrel which took between them on that 29th of March was the *first and only quarrel* that had occurred between them, and that that had been made up the next day. Mr. Addison, however, at the Trial, fixed the date of the origin of ill-feeling on the part of Mrs. Maybrick to her husband as the 16th of March, and from that date he asked the Jury "to follow closely the different occurrences as they occur."

Mrs. Maybrick's visit to London.

Mr. Addison then proceeds—

"Upon the 16th of March Mrs. Maybrick had to telegraph to London, to a hotel in Henrietta Street, Cavendish Square, for a sitting-room and bedroom. You will have before you the letters which she wrote, and which will be put in evidence. The effect of them is this, on the 16th of March she telegraphed for a sitting-room and bedroom at a private hotel. Having received no answer she wrote again to the landlord and told him the rooms were engaged for Mrs. Maybrick, of Manchester, and she wrote again as to details as to the sort of dinner which Mr. and Mrs. Maybrick would like to have, saying that her 'sister-in-law' was inexperienced in such matters. On the 18th March (Monday) she wrote again to the hotel, saying that Mr. and Mrs. Maybrick would arrive on the 21st (Thursday) and would stay there a week, from the 21st to the 28th, and that 'she was not particular as to price.' You have her then writing these letters from the 16th to the 18th of March engaging this sitting-room and bedroom for her 'sister-in-law.' On the 21st March (Thursday) she left Battlecrease House to go to London."

But as evidence of what Mrs. Maybrick did when in London the Crown produced only one witness—Alfred Schweisso, the head-waiter at Flatman's Hotel, in Henrietta Street, who identified Mrs. Maybrick and Mr. Alfred Brierley, and swore that Mrs. Maybrick arrived there at one o'clock on Thursday, 21st, and that from Friday, the 22nd till one o'clock on Sunday, the 24th, Brierley lived with her there as man and wife, and that they occupied the same bedroom, but the Crown did not call either the chambermaid or Brierley, but rested their case, so far as it related to her visit to London, upon the evidence of this waiter—Schweisso—alone.

Schweisso, the waiter.

[NOTE.—*Alfred Schweisso, the waiter at the hotel in London where Mrs. Maybrick and Brierley met, has written me the following letter on the subject of his evidence :—*

66, Oliphant Street, Queen's Park Estate,
London, January 18th, 1890.

Sir,—I received your letter this morning at this address, where I am at present staying, as I have left Mr. Flatman's. I should be too glad to do that which would be of assistance to your committee in getting Mrs. Maybrick released. I am aware that everybody for the prosecution was dead against her, especially those whose duty it was to go no further than seeing that justice was done, but they proved to me to be very much two-faced. I am really sorry to say that I did not act as I ought to have done, inasmuch as it was a matter of life and death; but I was really afraid of the consequences that might happen. I will give you an instance. When I arrived at the coroner's inquest I met an inspector. This was the conversation that passed between us: He said, "Will you be able to recognise Mrs. Maybrick?" I said I should not. He said, "Keep with me, and I will take you so as you can see her," or something to that effect, "because you will be sworn, whether you can recognise her or not, when you are called." I saw her twice before I was taken to recognise her, to the order of the coroner. Secondly, I had more trouble in recognising Mr. Brierley, as I will prove to you. He was in the court all the morning, near where I was standing myself, and I did not recognise him again. Inspector came to me again, and said, "Mr. Brierley was against you; I suppose you

recognised him." Well, I never saw him. I give you this statement to show you that honestly I could not recognise him if it had not been for the police. You are aware that at the coroner's court the coroner dwelt chiefly on Mrs. Maybrick's movements in summing up, and that it was published in the local papers that the case would be quashed up. I told the inspector this. He said, "I have seen it myself, but I have a different opinion, for it's going to end against her," or something to this effect. Now, with regard to Mr. Brierley. Of course, I should not have recognised him at all if it had not been for the police; but, as I was for the prosecution, I went by their orders, which I am sorry for now, for they acted in a very shameful manner. Well, after they returned from luncheon, that inspector told me to nod to him when I recognised Brierley, as he would be in court in two or three minutes. Well, I could not recognise him when he came; but a policeman came up to me and showed me where Mr. Brierley was. I give you this statement voluntarily, to show you, as far as I am concerned, that it was a regular got-up case of the police.—Yours very faithfully, ALFRED SCHWEISSO.

Schweisso, the waiter.

The attention of the Home Secretary having been directed to this letter of Alfred Schweisso's, he wrote in reply that the Home Office having no jurisdiction over the police who were engaged in the case, he could not make any investigation into their conduct—that it was a matter for the local authorities. This is a new and startling departure in criminal procedure. The local police are, it is true, now under the control of the Joint Committee of the County Council, but the police, however controlled, when they appear in our Courts conducting criminal proceedings, appear there as representing the Queen, and not any such elected body as the Committee of the County Council. It is difficult to conceive a more revolutionary doctrine than this evasion of duty—this shifting off responsibility for the administration of criminal justice from the Crown to the people—than this doctrine of Mr. Matthews, that if the conduct of the police in any criminal proceedings should require investigation, there is no jurisdiction at the Home Office. It is the very corner-stone of our Constitution that criminal proceedings are conducted in the name of the Queen; and the police, when they appear in our Courts, are the representatives of the Queen, and not of the County Council. The wildest revolutionary demagogue has never propounded such a doctrine as this! Where next will Mr. Matthews land us? Moreover, the police themselves to a man, whether employed and controlled by local authorities or not, would repudiate being the representatives in our Courts of any one except the Queen.—A. W. McD.]

The Home Secretary.

Mr. Addison further said that—

"What she did for the rest of the week until Thursday, the 28th, when she was timed to come home I do not know, but on the 28th, exactly a week after she had gone away to London, she returned to Battlecrease House. The next day, the 29th of March, the Grand National was run in Liverpool, and both she and her husband went there. He came back at seven at night, and it was evident to the servants that there had been a quarrel between them."

Motive for murder.

It will be presently seen, when we come to consider Mr. Justice Stephen's summing up, that the question left for the Jury was—

MOTIVE FOR MURDER

INSTEAD OF

MURDER BY ARSENIC!

and that in returning their verdict they were to regard adultery as a motive for murder.

Now, if we are to assume, as Mr. Justice Stephen told the Jury in emphatic terms that they were to assume, that adultery is a sufficient motive for murder—if again we are to assume that the evidence of this Schweisso, the waiter, alone, that Mrs. Maybrick and Brierley slept in the same room at Flatman's Hotel from the 21st to the 24th of March is a sufficient proof of adultery—if we are to assume all this, then we may, of course, eliminate all questions of arsenic from the case—any such questions as whether James Maybrick died of arsenic, administered to him by Mrs. Maybrick with intent to murder, and confine ourselves to questions of motive; select (as Mr. Addison did) the 16th of March (or as Mr. Justice Stephen did, the 21st of March) as the first date in the case—as the date, in fact, when the sufficient motive for murder was sufficiently proved by the evidence of this waiter Schweisso!

But as my readers are not a Liverpool Common Jury, sitting in times of great public excitement, under the influence and constraint of Mr. Justice Stephen's oratory, I will not insult their intelligence by supposing that they consider either that adultery is a sufficient motive for murder, or that adultery had been sufficiently proved by the Crown calling the waiter—instead of the chambermaid—of Flatman's Hotel to prove that Mrs. Maybrick and Mr. Brierley slept in the same bedroom there from the 22nd to the 24th of March, and when I come to deal with the "Brierley incident," as it is called, I shall, I think, show that even if the trial had been one of motive for murder instead of Murder by Arsenic, the evidence as to Mrs. Maybrick's relations with Brierley showed an insufficient motive, supported by insufficient proof of any adultery even having taken place, and that the evidence of Schweisso was so contradictory as to make it plain that he really knew nothing about the matter.

See *post*. Brierley Incident.

The real question of motive which will commend itself to the intelligence of my readers would depend upon the relations between Mr. James Maybrick and his wife, and not upon the relations between Mrs. Maybrick and Brierley.

Mr. Addison at the Trial fixed the 16th of March as the first date of the case, as being the date when Mrs. Maybrick fell from

the allegiance to her husband for Brierley; and (like Superintendent Bryning at the Magisterial Inquiry) fixed the date of the first Quarrel between husband and wife as having occurred on the 29th March, the day of the Grand National, and the Crown proved, not only that it was the *first* quarrel, but that it was the *only quarrel* between James Maybrick and his wife, by the evidence of the servants, the family doctor (Dr. Hopper), the brothers Michael and Edwin, and the old family friend, Mrs. Briggs. The case of the Crown was that that first and only quarrel arose entirely in consequence of the jealousy by the husband of Brierley, with whom she had walked on the course of the Grand National, and that the quarrel was made up the next day. The case of the Crown was that the husband had no knowledge whatever of any intrigue, or of her meeting Brierley during her visit to London—indeed, neither he nor anybody else (except the waiter Schweisso) pretended to have any knowledge of what had happened while she was in London—and the Crown called Michael Maybrick to prove this :— First quarrel.

Q. You were aware, of course, were you not, of a dispute having arisen in reference to this man Brierley?

A. I did not hear the nature of the dispute. I had heard there had been a dispute.

Q. As far as you are aware your brother died entirely in ignorance of the guilty meeting in London?

A. Yes; I am convinced of it.

Q. The only complaint having to do with her was in reference to the quarrel about the Grand National?

A. Yes, I believe so. I firmly believe that he knew nothing except what took place on the racecourse.

This then was the case of the Crown as regards the relations between James Maybrick and his wife.

But then follows some evidence by Michael Maybrick, which was kept out of the case. Michael Maybrick, in answer to some questions in *cross-examination*, said— Other woman in case.

Q. You are aware there were complaints on both sides?

A. Yes.

Q. You know the name of a woman has been introduced into this case?

A. Yes.

Q. You are aware that at the instance of Mrs. Briggs Mrs. Maybrick went to consult a friend in reference to this woman?

A. Yes, I am aware of it.

Q. And a reconciliation was supposed to have been brought about between Mr. Maybrick and his wife?

A. Yes.

And then the matter dropped, and Mr. Justice Stephen did not even refer to it in his summing-up.

Now this is very mysterious, and if the "particulars taken" by the police are disclosed, the Mystery still hanging about the

Other woman in case.

Maybrick case may yet be solved. Mrs. Maybrick's solicitors, Messrs. Cleaver, of course knew all about this "other woman in the case." That they suppressed this part of the Mystery is intelligible upon the ground that throughout the whole line of the defence it was manifest that Mrs. Maybrick must have given her legal advisers most stringent instructions that, in defending her from the charge of murdering her husband, they were not to say anything which would in any way reflect upon her husband's memory; that her defence was to be conducted on the most generous principles (as indeed it was so conducted); that the charge against her being murder by arsenic, the defence should be confined to showing that the cause of death was not arsenic, and that as to any arsenic found in the body it might have got there through a habit he had of dosing himself with all sorts of drugs, a habit which it was incontestably proved at the Trial that he did practise, and which Mr. Justice Stephen described in his summing-up to the Jury as—

"this dreadful habit he had acquired of eating arsenic."

Sir Charles Russell, in his closing speech to the Jury, referred to the generous nature of the defence in these words:—

"Gentlemen, a word about the unhappy man whose death we are inquiring into. I shall refer to him only when it is necessary, and I shall, I hope, be called upon to say nothing that will hurt the susceptibilities of his living friends. As revealed to us in the course of this case, he was a man who seems to have been liked by his friends—a man not of an unkindly or ungenerous nature, but certainly, and in some respects which touch closely some of the questions which you have to consider in this case, his history is a peculiar one."

And then Sir Charles Russell proceeded to refer exclusively to the deceased having been a man who suffered from chronic derangement of the stomach, and who was in the habit of "dosing himself."

It is, perhaps, intelligible on the ground of Mrs. Maybrick's instructions that no attacks should be made on her husband's memory when defending her that her legal advisers should have kept back the mystery that is thus left by Michael Maybrick's evidence. But why, when the police were dealing with "suspicious circumstances," has the Crown suppressed the "particulars taken" by them in reference to this matter? and why did Mr. Justice Stephen hush that evidence of Michael Maybrick's up, by making no reference to it in his summing up to the Jury?

[NOTE.—*There is a woman—who calls herself Mrs. Maybrick, and who claims to have been James Maybrick's real wife. She was staying on a visit at a somewhat out of the way place, 8, Dundas Street, Monkwearmouth, during the Trial; her usual and present address is 265, Queen's Road, New Cross, London, S.E. The*

evidence of Michael Maybrick is, however, so mysterious that he may have referred to some other woman; and it would be best to have a disclosure made of the particulars taken by the police, concerning the "other woman in the case," and the disputes on both sides.—A. W. McD.] Other woman in case.

Mr. Addison said, in his address to the Jury, that on Thursday, the 21st March, when Mrs. Maybrick went to London— Visit to London. John K.

"She arrived there (at Flatman's Hotel) on Thursday, 21st of March, at about one o'clock; and at about half-past six o'clock, a gentleman—whose name we do not know, but who never appeared again, as far as we know anything about him, in the case—came and fetched her."

That this gentleman's name had been kept back, even from the Crown Counsel (Mr. Addison), I, of course, cannot doubt; and I should like to ask why? Mr. Justice Stephen, in summing up to the Jury, referred to the evidence given by Alfred Schweisso, in reference to this mysterious person, in the most damaging way possible to Mrs. Maybrick's character; in such a way, in fact, as to insinuate that Brierley was not the only man she was carrying on an adulterous intrigue with during her visit to London.

[NOTE.—*The name of this gentleman was Mr. John Baillie Knight, a very old family friend. Both the police and Messrs. Cleaver knew all about him, and if there had been anything in his conduct unfavourable to Mrs. Maybrick, the Crown would not have left it to Mr. Justice Stephen to bring it out. It will be presently seen, however, how Mr. Justice Stephen made use of the fact that Mr. Addison did not know this gentleman's name, as a damaging argument against Mrs. Maybrick. Mr. John Baillie Knight, when he found what use Mr. Justice Stephen had made of his not being called, at once communicated to Mr. Matthews all he knew about what Mrs. Maybrick did while in London, but I venture to think it would be more satisfactory to the public, and more fair to Mrs. Maybrick, that he should publicly clear up the mystery which Mr. Justice Stephen made about him, and that the police should disclose the "particulars taken" by them about him.—A. W. McD.*]

Mr. Addison made another mystery in connection with Mrs. Maybrick's visit to London. He said, and I am quite sure he would not have made such a statement (and Mr. Justice Stephen referred to it also with a damaging effect to Mrs. Maybrick) if the information contained in the "particulars taken" by the police had not been suppressed from him, but having told the Jury that Mrs. Maybrick left Flatman's Hotel on Sunday, the 24th, he said—

"What she did for the rest of the week until Thursday (the 28th), when she was timed to come home, I do not know."

Visit to London.

Now why, I ask, did Mr. Addison not know? The police knew. Why has this been made a mystery? Let the "particulars taken" by the police as to this be disclosed.

[NOTE.—*Mrs. Maybrick was staying with some very old family friends, the Misses Baillie—relatives of Mr. John Baillie Knight—Kensington Palace Gardens, during this period, and during the period she dined on one occasion with Mr. Michael Maybrick, and there could not have been the slightest occasion for any mystery being made about where Mrs. Maybrick was during that period.—A. W. McD.*]

Mr. Addison took, and Mr. Justice Stephen built up his summing up against Mrs. Maybrick upon it—as his corner-stone for the charge of *Murder by Arsenic*—the question of *Adultery*, and accordingly fixed the 16th of March, the day when Mrs. Maybrick telegraphed for rooms at Flatman's Hotel as the "first date in the case;" but, as this was not a trial of Motive for Murder, but of Murder by Arsenic, I decline to accept that as "the first date in the case."

Indictment.

When Mrs. Maybrick entered the dock to plead to the charge preferred against her, the Clerk of Arraigns demanded of her whether she pleaded Guilty, or Not Guilty to the charge of—

"Having, at Garston, on the 11th of May, 1889, feloniously, wilfully, and of her malice aforethought, killed and murdered one James Maybrick by the administration to him of poison?"

To this, in a clear voice, she replied "Not Guilty."

Case of the Crown.

Thereupon Mr. Addison proceeded to open the case for the Crown, thus:—

"May it please your Lordship—Gentlemen of the jury—it is my duty, in conjunction with my learned friend, to lay before you evidence in support of the indictment which you have just heard read, and to make a statement to you from that evidence in regard to facts upon which we rely on behalf of the prosecution. Each and every one of you knows that the charge against the prisoner at the bar is, that she murdered her husband by administering to him doses of arsenic."

Questions for Jury.

The two questions, and the only two questions, involved in the charge were—

(1) Was arsenic the cause of death?

(2) If so, had the arsenic, which was the cause of death, been administered to the deceased by Mrs. Maybrick with felonious intent?

Defence.

The defence set up by her Counsel was, that arsenic was not the cause of death, and that as to any arsenic which had been found in the body it might have got there through a habit her husband had acquired of dosing himself with all kinds of drugs.

As to this habit of "dosing himself," it was shown beyond all question of doubt; in fact, it amounted to this, that he used to

make a regular Apothecary's shop of himself, taking all sorts of drugs recommended him, not merely by doctors, but by friends. Habits of dosing himself.

I will mention the witnesses called at the Trial as to this :—

Nicholas Bateson, who had lived in the same house with Mr. James Maybrick in Virginia from 1877 up to his marriage with Mrs. Maybrick in 1881, knew of his habit of taking both strychnine and arsenic.

Thomas Stansell, the servant of Mr. James Maybrick and Mr. Bateson, knew of his taking arsenic, and mixing it in his food, and of his having a great many medicine bottles.

Captain Thompson, of Liverpool, knew of his habit of taking arsenic, and had remonstrated with him on the danger he was running of using arsenic, which James Maybrick used to call his "desideratum."

John Thompson, of Liverpool, a retired wholesale druggist, spoke of James Maybrick coming to his warehouse to see his cousin, who was an employé of his, and that he would have no difficulty in getting drugs.

Edwin Garnet Heaton, a retired Liverpool chemist, knew him as a constant customer at his shop up to the end of 1887, who used to continually call—sometimes four and five times a day—for what he called his "pick-me-up," but which was liquor arsenicalis.

Dr. Drysdale, of Liverpool, whom James Maybrick consulted from November, 1888, to March, 1889, had had conversations with him in which James Maybrick had told him of his habit of taking a great variety of drugs, strychnine among others.

Sir James Poole, ex-Mayor of Liverpool, spoke of James Maybrick having told him, in the spring of 1889, that he took "poisonous medicines."

Michael Maybrick was not aware that he had a habit of dosing himself, and had never heard of it except in a letter from Mrs. Maybrick, which he got on the 12th of March, 1889.

Mrs. Briggs, a most intimate neighbour and friend—

Q. Did you, in the course of your observations, see a large number of bottles, presumably of the class of medicine bottles?

A. Yes.

Q. A very large number, was there not?

A. Yes.

Q. Would it be an exaggeration to say that there were more than 100?

A. Well, I could not say. There were several.

Q. But several is a very long way short of 100. Were there as many as 50 in one room?

A. I could not tell; but I saw there were a good many.

Q. Do you know anything about this habit which is imputed to the dead man of dosing himself with medicines and things suggested by his friends?

A. Yes.

Q. Was that well known among his friends?

A. Yes.

Q. Has he been remonstrated with or rallied about it in your presence?

A. Yes.

Dr. Hopper, the family doctor, knew all about this habit, and about his taking "double doses" of medicines, and had often spoken to him and warned him about it as a dangerous habit. Dr. Humphreys was told of it, but, *mirabile dictu*, alone among all who had known him, his brother, Michael Maybrick, swore he had never heard of his having such a habit until Mrs. Maybrick

Habits of dosing himself.

wrote to him about it on the 12th of March, 1889!! The police furnished at the trial a printed list of more than 150 bottles of different kinds of medicine, made up by a great number of different chemists, which they had found in Battlecrease House and at James Maybrick's office, and which they had handed to Mr. Davies for analysis. In fact, the house and the office were like apothecaries' shops, and yet Michael Maybrick swore at the Trial he had never heard of his brother having a habit of "dosing himself"! Well, to be charitable, either Michael Maybrick is not a man of an observant or enquiring turn of mind, or he really knew very little about his brother. The fact remains gross, palpable, proved beyond question, that James Maybrick was a man who had for years practised a habit, well known to every one who knew him (except Michael!), of "dosing himself" with all sorts of drugs, and among them poisonous drugs—arsenic, strychnine, and the like—and if one-tenth of a grain of arsenic was found in his body at death, it was a very likely place to find it; and neither Mr. Addison, by fixing the 16th of March, 1889, nor Mr. Justice Stephen, by fixing the 21st of March as the "first date in the case," can or ought to have attempted to draw the red herring of adultery across that explanation of how one-tenth of a grain of arsenic came to be found in the body of James Maybrick. Prosecutions by the Crown ought not to be vindictive!

WHITE POWDERS.

White powder.

Now, arsenic is a white powder. I have placed as I write one grain of this white powder in this space.

O

I shall presently have something to say about the evidence given about arsenic at the Trial, and the ignorance displayed by some of the witnesses for the prosecution, and by the judge, as to the nature and properties of arsenic. But the Crown, who did not want to rely upon arsenic for a conviction of Mrs. Maybrick, but upon adultery, tried in every way they could to keep any reference to "white powder" out of the case.

At the Inquest Michael Maybrick was reticent and said nothing which could lead any one to suppose that he knew anything about any white powder as having anything to do with the case.

Dr. Humphreys was equally reticent; and so was Dr. Hopper, so far as his examination in chief was concerned; but on cross-examination, it was elicited from him that in conversation with James Maybrick, about his habit of dosing himself with all sorts of drugs, he had spoken of taking arsenic.

The Coroner: He led you to suppose he took it? White powder.
A. Yes.
Mr. Pickford: As a matter of fact, I think on that occasion Mrs. Maybrick had spoken to you about this habit of her husband taking all kind of things?
A. Yes.
Q. And she had asked you to check it, or to speak to him about it?
A. Yes.
Q. That was some time ago?
A. It was in June, 1888, or September—I could not tell which.
Q. At all events, it was in the latter part of 1888.

Dr. Hopper also said—

"He had a very strong habit of taking almost anything recommended to him by his friends. He told me this himself, and he then said he had taken double doses of his medicine."

Well, even assuming that this was a sudden revelation to the police—they knew it then at all events—and if James Maybrick was taking arsenic then he might have continued the habit, and indeed, if he had such a habit at all, would probably do so.

Now, in studying how these criminal proceedings were conducted, let me ask my readers to carefully follow what course the Crown took upon getting that information from Dr. Hopper. There was no Brierley incident to mix up with the question in 1888. Let me also ask my readers to notice what these three witnesses for the prosecution, Dr. Hopper, Michael Maybrick, and Dr. Humphreys did; they were all present at the Inquest. Dr. Hopper had admitted a knowledge of this habit of James Maybrick taking arsenic, and that Mrs. Maybrick had asked him to speak to her husband and check him "taking all kind of things." That evidence of Dr. Hopper's—the family doctor—must have suggested to their minds that that might be a possible, indeed probable, explanation of how one-tenth of a grain of arsenic (which the analysts had, by that time, found in the body of the deceased) had got into the body without imputing a charge of murder to Mrs. Maybrick.

I emphatically protest that it is the clear duty of all, whether police or witnesses for the prosecution, engaged in the investigation of crime, not to shut their ears or close their minds to anything which might prove favourable to an accused person, and that their duty is not limited to a mere effort to secure a conviction.

But notwithstanding that evidence of Dr. Hopper at the inquest, Superintendent Bryning when applying at the Magisterial Inquiry for a committal of Mrs. Maybrick to trial on a charge of murder by arsenic never said one word about this; he moreover called Dr. Hopper, and never even asked him a question about it, but in *cross-examination* the following evidence was elicited from him:—

White powder.

"I attended Mr. Maybrick for an affection of the liver, a functional derangement, and also for some nervous symptoms, for which I prescribed nerve tonics and nux vomica and strychnine on two different occasions."

Mr. Pickford: You know as a matter of fact though you did not prescribe it that arsenic is used as a nerve tonic?

A. Yes.

Q. And you know that Mr. Maybrick was aware of its properties as a nerve tonic?

A. I am under the impression from a conversation I had with him that he was aware of it. He told me he had taken it at one time. I am aware of the fact that he was in the habit of taking medicines recommended to him by his friends, and the prisoner spoke to me of the habit, asking me to check it if I possibly could.

Then Superintendent Bryning called Michael Maybrick, who still remained reticent about this habit of his brother's, and Superintendent Bryning asked him no questions about it, but in *cross-examination* the following information was elicited from him:—

"Mrs. Maybrick wrote to me a letter about her husband's illness about March. It was in the early part of March—I did not keep the letter. I believe she spoke about her husband taking some particular medicine. I think it was a powder she spoke of, but I really don't remember. I did not keep the letter. She asked me to speak to my brother about it; my recollection is very vague. Something was said about my brother being irritable when spoken to about this medicine."

Superintendent Bryning, again, notwithstanding this, when he called Dr. Humphreys, never put any question to him about this habit of James Maybrick's, and Dr. Humphreys, being a witness for the prosecution, was also curiously reticent, but in his *cross-examination* the following evidence was elicited from him:—

Q. You have been in court and heard that she wrote to Mr. Michael Maybrick about his taking some powder. Did she say anything about that to you?

A. Yes.

Q. Would that be in the month of March?

A. Yes, it was about the time he went to London.

Q. Did she ask you to speak to her husband about it?

A. Yes.

Q. She mentioned that he was taking some medicine, but she did not know what it was.

A. Yes.

Q. Was it a white powder?

A. She described it as a white powder.

Q. I think she thought it was dangerous?

A. I would assume so from her conversation in speaking to me about it.

Q. Did she ask you what was to be done in the event of his taking an overdose of this medicine?

A. I cannot say. She and I were sitting in the morning-room one afternoon when I called to see the children, and when talking Mrs. Maybrick told me her husband was in the habit of taking a white powder. She did not know what it was. She thought that possibly it was strychnine. She was alarmed about it. She was unhappy. *What advice I gave her if he took an overdose, I cannot say.*

Q. *You cannot say whether you gave her any?* White powder.

A. *I cannot.*

Q. I suppose if she had suggested giving mustard and water it would be a right thing to do?

A. Yes; a common-sense thing to do.

Q. Did Mrs. Maybrick show you any of the white powder she said her husband was in the habit of taking?

A. No. And while I am on that subject, I have a distinct impression that on the 28th April, Mrs. Maybrick spoke to me again about it; the result of it being that I questioned him upon the effects of strychnine and nux vomica upon himself; and the answer he gave me was: "I cannot stand strychnine and nux vomica at all"; from which I drew my conclusion that he was not in the habit of taking it. I had two conversations with Mrs. Maybrick, and this was one of them.

Sir W. Forwood: On the 28th of April, what did Mrs. Maybrick say to you?

A. In going upstairs she suggested—

Mr. Swift: Give her words.

A. I cannot give her words.

Q. A word or two may make all the difference.

A. Well, I cannot give them.

Mr. Pickford: What he said was that she mentioned this white powder again.

Sir W. Forwood: She referred to a white powder.

A. Yes. That was the word she used.

Sir W. Forwood: And in consequence of this you spoke to Mr. Maybrick?

A. Yes.

Mr. Swift: Was Mrs. Maybrick present then?

A. No.

It is plain, therefore, that several months before there could be any suggestion of any impropriety with Brierley—indeed, it was not suggested that she even knew him at that time—Mrs. Maybrick had warned Dr. Hopper that her husband was taking some dangerous medicines, and had asked him to speak to him about it and check it. Again, early in March, 1889, Mrs. Maybrick had spoken to Dr. Humphreys about his taking a "white powder," and was in great alarm about it, and had urged him to speak to him about it—had even suggested to Dr. Humphreys that this "white powder" might be such a serious thing as "strychnine."

Again, Mrs. Maybrick had written to Michael Maybrick (who, at the trial, fixed the date of her letter to him as on the 12th of March), warning him that her husband was secretly taking "a white powder," which was causing her alarm, and begging him to speak to his brother about it. Dr. Humphreys had also given evidence that, on the 28th April, when he was called in to Mr. James Maybrick's illness, Mrs. Maybrick had again warned him about her husband's taking some "white powder," and Dr. Humphreys, in Mrs. Maybrick's absence, had gone up and questioned James Maybrick about "strychnine and nux vomica." Why did Dr. Humphreys ask him about nux vomica? That is not a *white powder* at all, but a *brown powder!*

White powder.

Notwithstanding that all this had been dragged out of these witnesses for the Prosecution at the Magisterial Inquiry, in cross-examination, and was on the Depositions, Mr. Addison, in opening the case, dropped all reference to this "white powder," or to these repeated *warnings* of Mrs. Maybrick, about her husband taking such things, and fixed the 16th of March, because, forsooth, it was the date of the commencement of the Brierley incident, as "the first date in the case"! That Superintendent Bryning, notwithstanding what Dr. Hopper had said at the Inquest about the warning given him by Mrs. Maybrick, should have asked no questions of the witnesses for the prosecution at the Magisterial Inquiry, as to such an important matter as these warnings, might perhaps be intelligible by supposing that a policeman, not being a lawyer, would not see the importance of such evidence. But Mr. Addison had before him the depositions at the Magisterial Inquiry setting out these warnings given by Mrs. Maybrick to Dr. Hopper, Dr. Humphreys and Michael Maybrick, in which she specially and earnestly called their attention on several different occasions to her husband's taking some "white powder" which was causing her anxiety, and what are we to think of Mr. Addison, when stating the case of the Crown against Mrs. Maybrick to the Jury, deliberately attempting to keep back all reference to these previous warnings and to "white powder," and telling the Jury that the 16th of March (the date of the commencement of the Brierley incident), was the "first date in the case" of this trial for "murder by arsenic?"

The case of the police and the Crown against Mrs. Maybrick was that the cause of death was arsenic, that Mrs. Maybrick had been seen soaking some arsenical fly-papers coincident with the first illness, and that certain quantities of arsenic had been found in the house after death in the form of "arsenic in solution," to which she had access, but as they had not found any "arsenic" in the form of "white powder," Mr. Addison dropped like a hot coal these warnings of Mrs. Maybrick that her husband was dosing himself and taking "white powders." The case of the Crown was that the arsenic to which Mrs. Maybrick was alleged to have access was "arsenic in solution," and Mr. Addison (whose conduct of the case for the Crown has been generally regarded as fair) had the unfairness to endeavour to keep back from the Jury this evidence, dragged out in cross-examination at the Magisterial Inquiry from these witnesses for the prosecution (Dr. Hopper, Dr. Humphreys, and Michael Maybrick), of these repeated warnings of Mrs. Maybrick that her husband was taking injurious medicines in the form of a "white powder." I have looked carefully through this so-called fair speech of Mr. Addison for the Crown, and I cannot find in it a single reference either to these warnings or to any powder, except that among the things found in the house after

death there was a *black* powder—a packet of mixed charcoal and arsenic, labelled "Arsenic. Poison for Cats"—but this the Crown admitted was not the source of the poison which they alleged had been administered; or, as Mr. Addison puts it in his speech for the Crown, "No powder was found if you remember except a coloured powder for destroying cats—that was the only powder found." White powder.

I remember once reading a poem which contained an argument between a Scotchman and his wife about the doctrines of their minister, in which (referring to shooting) the husband maintained that a clergyman who used a gun (or "poother-and-lead" divine, as he called him) was unfit to be a minister; and upon these grounds—

> "Hech! to save my saul,
> I never can get over auld Doctor Maule.
>
> "Whaur, Maggie, whaur's your Scripture for a gun?
> The Word gives not the merest hint
> O' guns, and poother's never mentioned in it."

At the risk of apparent levity—but for the serious purpose of impressing the fact upon the minds of my readers—I have quoted the above lines. I have read Mr. Addison's opening speech for the Crown carefully through, and I want to press this fact upon public attention, that—notwithstanding this evidence of Michael Maybrick's and Dr. Humphreys about the warnings given them by Mrs. Maybrick that her husband was taking "white powders," which were causing her anxiety, and that she had entreated them to speak to him about it, and try and stop his taking it—the words "white powder" are "never mentioned in it." Nor is that all. Mr. Addison, having thus opened the case for the Crown, called Michael Maybrick as his first witness for the Prosecution, and never asked him a single question about the warning as to "white powder," given to him by Mrs. Maybrick; and, in fact, made every possible effort to keep back the words "white powder" from the jury, and rest the case of the Crown against Mrs. Maybrick on the "arsenic in solution," to which it was alleged she had had access, because five unfriendly persons had produced it, and said they had found it in the house after death.

Sir Charles Russell, however, did not consider it fair of the Crown to take the 16th of March and the Brierley incident as the "first date in the case" in this trial for "Murder by Arsenic"; and to keep back this evidence of the warnings given by Mrs. Maybrick as to the habit her husband had of dosing himself and taking a white powder; so he put the following questions to Michael Maybrick in *cross-examination*:—

Q. Have you never heard about his dosing himself?
A. I never heard, except in a letter from Mrs. Maybrick.
Q. I should like to see that letter.

White powder.

A. Well! unfortunately, I destroyed it. I did not think it of any importance.

Q. Can you tell me whether it was early in March when you received it?

A. I should think it was early in March. I do not remember the day.

Q. To the best of your recollection was it in the beginning of March?

A. I believe so.

Q. Tell us what your recollection is.

A. As far as I can recollect she stated that she had been searching the house, and that she had found my brother had been taking a white powder, and that she thought it might be having something to do with the pains in his head. I know it was a statement to that effect, to which I attached very little importance at the time. She also stated in the letter that he had not the slightest suspicion she had discovered it, and she would not like him to know it. I was given to understand that I was not to mention it to him.

Q. You were asked about this before the magistrates, were you not?

A. Yes.

Q. What action did you take upon that?

A. The only action I took was to communicate it to the deceased when he came up to London.

Q. Tell us what he said.

A. On Saturday night when my brother arrived, we were speaking about different things, and I said, "What is it with reference to those little white powders I am told about?" I said, "I am told you take a certain powder." He said, "Whoever told you that? It is a damned lie."

Q. Did you pursue the subject further?

A. I did not.

Q. Do you recollect whether Mrs. Maybrick said in the letter that her husband was again ill and nervous and irritable?

A. Yes, I believe she did refer to the irritability.

Q. Did she say she was certain he was physicking himself?

A. Well, I really could not be sure on that point, but the letter was to that purport.

Q. Did she say she had seen him take a white powder on several occasions, and that when she referred to it he flew into a passion, and did not like it to be talked about?

A. Yes, I believe she did say something to that effect.

Q. Did she say she herself had searched for the powder, and could not find any trace of it?

A. That I don't remember, I have no recollection of it.

Q. Do you recollect what she suggested? Do you recollect that she suggested it was perhaps strychnine or some other drug? Do you recollect the word strychnine?

A. I cannot say I do.

Q. Can you undertake to say from your recollection that she did not, referring to a white powder, say it might be strychnine?

A. I should not like to say one way or another. My recollection is too vague.

Q. Your own family doctor is Dr. Fuller?

A. He is.

Q. That was known to your brother and his wife?

A. Yes, it was. I mentioned it at Christmas time when I asked him to come to London to see Dr. Fuller.

Q. Do you remember whether she mentioned Dr. Fuller's name in the letter?

A. I really cannot say, it is very possible, but I tell you I have a very poor recollection. The idea in my mind is that she referred to his taking a powder. I believe she thought she ought to tell me about it. That was the whole of the letter as far as I remember it.

Re-examined by Mr. Addison :— White powder.

I cannot fix the date except as a fortnight before the 26th March. When I mentioned this to my brother he said nothing more except, "The man who told you this is a damned liar." I did not pursue the matter further as my brother seemed so much annoyed.

That fixes the date at 12th March. Habit of dosing himself.

The next witness for the prosecution Mr. Addison called was Dr. Hopper. Mr. Addison knew what Dr. Hopper had testified at the Inquest about his having been thus warned by Mrs. Maybrick as far back as September, 1888, six months before this 16th of March as the "first date in the case;" but he did not put a single question to Dr. Hopper about it. So Sir Charles Russell, in cross-examination, elicited the following from him :—

Q. Was he a man given to dosing himself?
A. Yes, he was.
Q. Distinctly?
A. Distinctly.
Q. I would like you to tell the jury what you mean by that.
A. I mean that when he came to consult me I was disappointed to find that between the visits he had been trying some new remedy, recommended him by his friends, and different from the medicines I had prescribed for him.
Q. Do I understand that this happened more than once?
A. Yes.
Q. Somebody suggested something to him and he took it?
A. Yes.
Q. When you say more than once, do you mean frequently?
A. Yes, frequently.
Q. Has he ever said anything to you as to whether he confined himself to the appointed doses of particular medicines, or whether he exceeded them?
A. He told me that finding no effect from the medicine he had doubled the dose, and that it had or had not disagreed with him.
Q. Did that apply to medicines obtained from other sources, or to your own prescriptions?
A. From my memory, I should say it applied to my own prescriptions only.
Q. What did you say when it was mentioned to you that he was taking double doses of this kind?
A. I said to him it was a dangerous habit, although he might escape scot-free, he might some time do himself great injury.
Q. He might have taken or not what would seriously injure him, although it might not prove fatal?
A. Quite so.
Q. Do you know Dr. Seguard, of New York?
A. Yes, well.
Q. Did deceased ever give you a bundle of prescriptions written by Dr. Seguard? Prescriptions.
A. Yes.
Q. Generally speaking—but tell me first what became of those prescriptions?
A. *I destroyed them.*
Q. *When?*
A. *A few months since.*
Q. Were they principally prescriptions of an aphrodisaic kind?
A. Yes. Strychnine and nux vomica.

Prescriptions.

Q. That is a sexual nerve tonic?

A. Yes.

Q. And so far as you recollect there was no arsenic in Dr. Seguard's prescriptions?

A. No.

Q. Are you aware that arsenic is a nerve tonic of an aphrodisaic character?

A. Yes, it is commonly used as such.

Q. I want to ask you a particular question. You have spoken particularly of having been in charge and attendance upon this gentleman from June 1888 to December 1888. As early as June 1888, did not Mrs. Maybrick make a communication to you as to certain habits of her husband?

A. In June or September. I am not quite sure which.

Q. I put it to you, was it not in June when you first began your attendance on him?

A. It was either at the beginning of the attendance or shortly after my return from my holidays, but I am not clear which. My impression was she was not unreasonably anxious about the matter.

Q. What did she say to you?

A. She told me that Mr. Maybrick was in the habit of taking some strong medicine which had a bad influence on him, for he always seemed worse after each dose. She wished me to see him about it as he was very reticent in the matter.

Q. She wished you to remonstrate with him?

A. Yes.

Q. You understood that she wished you to do that with a view of putting a stop to it?

A. Yes.

Q. And you did, I think upon that occasion make some kind of a search and found nothing, at all events of a poisonous nature?

A. Yes.

Q. Do you remember whether she spoke at that time of his taking medicine or powder?

A. I do not remember that. I did not look for a powder. I looked in his dressing-room for bottles, but I did not find anything.

Now, this happened, if in June, 1888—nine months—or, if in September 1888—six months, before the 16th of March, 1889, which Mr. Addison told the jury, that it being the date of the Brierley incident, was the "first date in the case" of this trial for "murder by arsenic." At the time when Mrs. Maybrick thus warned Dr. Hopper there was no Brierley incident to furnish *a motive.* Why did the Crown try to keep all this back? Is this a fair way to conduct a criminal trial?

Mr. Addison called as the next "witness for the prosecution" James Maybrick's neighbour and most intimate friend, Mrs. Briggs, who had been a constant visitor at his house for years. But Mr. Addison (keeping to this 16th of March—to this Brierley incident) asked her no questions as to this habit of "dosing himself." In *cross-examination*, however, Sir Charles Russell elicited from her—

Q. Do you know anything about this habit which is imputed to the dead man, of dosing himself with medicines and things suggested by his friends?

A. Yes.

Prescriptions.

Q. Was it known among his friends?
A. Yes, I think so.
Q. Has he been remonstrated with or rallied about it in your presence?
A. Yes.

Still Mr. Addison, even after that, tried to keep back from the jury anything as bearing on the case except what occurred after the 16th of March, and called Edwin Maybrick as a "witness for the prosecution," and asked him no questions about this habit of dosing himself, or anything except what occurred after the 16th of March, but Sir Charles Russell asked in *cross-examination*:—

Q. Did you find amongst your brother's papers a bundle of prescriptions?
A. There were several prescriptions found in the room on its being searched by Inspector Baxendale.
Q. Where are they?
A. Inspector Baxendale took possession of them.
Q. Where are they?
A. I do not know.
Q. Are you sure you do not?
A. As far as I know. I did not see a prescription of Dr. Ward.
Q. There may have been one amongst those which Mr. Baxendale took?
A. There may have been.
Q. Have you not said to Mr. Baxendale that you have seen them?
A. I do not remember.
Q. Are they in Court?
A. I cannot say.
Q. Did you find any of these prescriptions—any from Dr. Ward, of Norfolk, Virginia?
A. Not that I am aware of. I should have noticed them at once, knowing the gentleman, if I had seen anything of the kind.
Q. So far as you recollect you did not see them?
A. I did not.
Q. But they may have been amongst these prescriptions?
A. Yes, they may have been.
Q. Did you get any prescriptions at the office among your brother's papers?
A. So far as I remember, no; but Mr. Baxendale may have done.
Q. In addition to these, then, were a large number of bottles found at the office?
A. Yes; I believe so.

As regards Edwin's evidence he subsequently produced some prescriptions, but all we know about them is reported in the Liverpool *Daily Post*, as happening during the examination of another witness (Wokes).

The learned Judge here interrupted for a moment, and said he had received from Mr. Edwin Maybrick a number of prescriptions, and he asked if Sir Charles Russell wished to see them?—Sir Charles answered in the affirmative.

There was another remarkable circumstance. After the case for the Crown had been finished, and, indeed, at the close of the case for the defence, the following incident occurred:—

MR. E. MAYBRICK AND THE PILL BOX.

Arsenical pills.

Sir Charles Russell (producing a pill box): I should like to call some one, my lord, to speak to a box I have here, which is labelled "Taylor Brothers, Pharmaceutical Chemists, Norfolk, Virginia," and the description of the contents which says—"Iron quinine and *arsenic*. One capsule every three or four hours to be taken after food." At the bottom of it is the name "Mr. Maybrick."

Mr. Addison: I shall call Mr. Edwin Maybrick at once to speak to it.

Sir Charles: I do not wish to make any complaint about this not being produced by any one.

Mr. Addison: It is in the printed list.

Sir Charles: It was not.

Mr. Addison: Mr. Edwin Maybrick will tell us all about it.

Sir Charles: I will accept his statement.

Mr. Edwin Maybrick was then put in the box and examined by Mr. Addison.

Q. Where did you find this box?

A. I found it in the drawer of the washhand-stand of my brother's bedroom.

Q. It is dated Norfolk, Virginia. How long is it since he was there?

A. Since 1884.

Q. Was that the last time he was there?—Yes.

Sir Charles Russell: Do you know how this escaped being recorded amongst the things found?

A. I found it at the time the furniture was being removed from the house.

Q. When did you find it?

A. A week or two after he died—before the furniture was removed.

Q. Did you know that Mr. Cleaver, the president of the Law Society, was acting for this lady?

A. I did.

Q. Did you communicate it to him?

A. No.

Mr. Addison: What did you do with it?

A. I kept it.

The Judge: When did you see it first of all?

Sir Charles Russell: What day was it when you found it?

A. I cannot say.

Mr. Addison: Was it when the sale was on?

A. Just before the furniture was removed—that would be about two weeks after the death of my brother.

Now, I will make this comment upon this extraordinary evidence. Edwin swore that he found this box of his brother's arsenical pills in the washstand drawer of his brother's bedroom a fortnight after death! That room was thoroughly searched by—

Michael Maybrick,
Edwin Maybrick,
Mrs. Briggs, and
Mrs. Hughes,

on Sunday, 12th of May, the morning after his brother's death, and while Mrs. Maybrick was lying in a speechless swoon, and also thoroughly searched by the police who took Mrs. Maybrick

into custody on the 14th, and ransacked the house, taking upwards of two hundred bottles and boxes of pills, &c., for the analyst, and it is absolutely incredible that this box of *arsenical* pills, marked *arsenic*, could have been in that washstand-drawer in James Maybrick's bedroom all that time. Is there a full-grown man or woman who can credit this? If Edwin found that box of arsenical pills in that washstand-drawer *a fortnight after death*, it is palpable that it must have been put there by some one after that drawer had been searched. When I come to deal with the "search" on the premises I shall have to call attention to some other remarkable circumstances. I am only now dealing with Mr. Addison's keeping the "habits of dosing himself" out of the case. Arsenical pills.

And in this connection I want to direct public attention as I pass to the question of these prescriptions, and this box of arsenical pills, as one of the evidences of James Maybrick's habit of "dosing himself," and as possibly containing an explanation for the one-tenth of a grain of arsenic found in his body without "suspecting" Mrs. Maybrick or anybody else of poisoning him.

It strikes me, and it will strike—I venture to say—every reader of this Treatise that the evidence of Dr. Hopper, that he had *destroyed a few months since* (and as this evidence was given at the Trial on the 1st of August, and James Maybrick died on the 11th of May, "destroyed them some months since" presumably means after this charge had been put on Mrs. Maybrick), I say this destroying by one witness of the Crown, Dr. Hopper, of a bundle of prescriptions which James Maybrick had given him—and this remarkable evidence of Edwin Maybrick's, another witness for the prosecution, are matters of observation. Of course, upon the theory set up by Mr. Addison and adopted by Mr. Justice Stephen that the Brierley incident, coupled with the facts that one-tenth of a grain of arsenic was found in the man's body, and that arsenic was found in the house after death by these five people—

Michael Maybrick,
Edwin Maybrick,
Mrs. Briggs,
Mrs. Hughes, and
Alice Yapp,

is sufficient proof that the cause of death was arsenic, feloniously administered by Mrs. Maybrick—*cadit quæstio*—and the Crown was, whether fair or not, ingenious enough to treat this destroying a bundle of prescriptions by Dr. Hopper, and this remarkable evidence of Edwin Maybrick, as matters which did not relate to the case; and Mr. Addison was, whether fair or not, ingenious enough to keep the 16th of March, the date of the Brierley incident, as the "first date in the case."

Prescriptions.

But even still the question arises, Why did Dr. Hopper destroy those prescriptions a few months since? and how was it Mr. Edwin Maybrick behaved in the way he did?

Is this the way that criminal proceedings are got up by the Crown? Is it fair to an accused person, whom the police have got locked up in prison, to allow unfriendly persons to ransack the house for papers and pills, and remove in this way things which might be of the greatest importance to her as proofs of innocence?

My readers are not a Liverpool Common Jury, sitting under the influence of the oratory of Mr. Justice Stephen, and are not going to be taken off the scent of arsenic by the red herring of adultery thrown across our path. One-tenth of a grain of arsenic was found in the body of the deceased. He was in the habit of dosing himself. One of the "witnesses for the prosecution" admitted, under cross-examination, that he had "destroyed, a few months since," a bundle of prescriptions, some of which were of strychnine for a sexual nerve tonic; that arsenic was also commonly prescribed for the same purpose. Another witness for the prosecution (Edwin Maybrick) had been allowed by the police to ransack James Maybrick's papers, and take away and keep back a box of pills, actually labelled "arsenic," belonging to his brother, after they had got the widow safely locked up in gaol. Is this fair play?

Arsenical pill

White powder.

Mr. Addison, finding that it was impossible after the disclosures in the cross-examination of Michael Maybrick, Dr. Hopper, and Mrs. Briggs to evade the question of the warnings about white powder any longer, tardily made a virtue of necessity, and when he called Dr. Humphreys, knowing that he would, like the others, be cross-examined as to the warning given him by Mrs. Maybrick as to her husband dosing himself, asked him about it. And I direct public attention to the differences between that evidence of Dr. Humphreys, as given before the Magistrates and as given at the Trial, the *omission* in his evidence at the trial of any reference to the second occasion on which Mrs. Maybrick warned him about the "white powder," viz., on the 28th of April, and which struck the Magistrates as of so much importance, and the further difference of a somewhat sensational *addition* of a suggestive kind against Mrs. Maybrick, which is strangely inconsistent with his evidence as given before the Magistrates. However, here is Dr. Humphreys' evidence as given at the Trial, and my readers by referring back to pages 26 and 27 can make their own observations upon these differences of omission and addition.

"When I was attending the children in the early part of March Mr. Maybrick never complained to me. I had not asked Mr. Maybrick purposely about his health. I just casually said, 'How are you?' but I had asked Mrs. Maybrick about her husband's health when I had been attending the children. I do not remember the exact words spoken, but Mrs. Maybrick made a specific

statement to me about her husband taking something. That conversation took place some time in March this year. She said he was taking some white powder which she thought was strychnine, and she asked what was likely to be the result. I said if he took a large enough dose he would die. That would be before the 21st of March. I could not bring the date nearer than that. I said to Mrs. Maybrick, not meaningly however, 'Well, if he should ever die suddenly call me, and I can say you have had some conversation with me about it.'" White powder.

The *omission*, by Dr. Humphreys, in his evidence at the Trial, of any reference to the second occasion (viz., on the 28th of April) on which Mrs. Maybrick warned him that her husband was taking "white powder" was not noticed, either by Mr. Addison or Sir Charles Russell; and as regards the *addition* of this sensational remark, which he said he had made to Mrs. Maybrick on the first occasion (early in March) of her mentioning the "white powders," Mr. Justice Stephen made use it of against Mrs. Maybrick in this way. When summing up to the Jury, he said—

"It struck me at the time as a strange conversation to hold—if ever he died suddenly, you can mention, said Dr. Humphreys, that you mentioned the matter to me."

Now, Mr. Justice Stephen knows perfectly well the meaning of words, and, in the name of common sense and of common fairness, why did he describe a remark of that kind, made by Dr. Humphreys, as "a strange conversation to hold," as if Mrs. Maybrick had held it. If Mr. Justice Stephen had wished to refer to it, he should have used plain English, and said "it was a strange remark for Dr. Humphreys to have made," and not twisted it into, it was "a strange conversation to hold!" Mr. Justice Stephen.

The case of the Crown (as will be seen when I come to deal with the Magisterial Inquiry and the Trial), was that the source of the arsenic found in the body of the deceased was either some "arsenic in solution," obtained from some fly-papers which Mrs. Maybrick had purchased, and which she was known to have soaked in a sponge basin, or some "arsenic in solution" which had been found in the house after death, and that as no arsenic in the form of "white powder" had been found, any warnings Mrs. Maybrick may have given as to her husband taking "white powders" had no bearing on the question. Arsenic in solution.

When I come to deal with the question of arsenic, the importance of the distinction between "arsenic in solution" and arsenic in the form of "white powder" will become apparent. All I will say about it at this stage is, that it was upon that distinction between "arsenic in solution" and "arsenic in powder" that the Crown sought to connect Mrs. Maybrick with the arsenic which was found in the house after death. In a bottle of Valentine's Meat Juice, which it was said had been in Mrs. Maybrick's

Arsenic in solution.

hands on the Thursday night, the 9th, two days before death, half a grain of "arsenic in solution" was found by Mr. Davies, the analyst. As none of this meat juice had been given to Mr. James Maybrick, after this bottle had been (or was said to have been) in Mrs. Maybrick's hands, of course the case of the Crown was not that this circumstance connected Mrs. Maybrick *directly* with the one-tenth of a grain of arsenic found in the body, but that it connected Mrs. Maybrick with the "arsenic in solution" which had been found in the house after death. Mrs. Maybrick voluntarily made a statement to the jury (with which I shall presently deal at length) that she had put a "powder" into a bottle of Valentine's Meat Juice, and assuming two things—1st, that the powder she put in was arsenic; and 2nd, that the bottle of Valentine's Meat Juice into which she put it was the same bottle as that in which "arsenic in solution" was found by the analyst, Mr. Davies, on Sunday the 12th—the general reader, unacquainted with the nature of "arsenic," would assume that the "powder" might have become dissolved in the meantime, and it may be as well to remove such a misapprehension at once. As an example of this, I will quote from a letter which appeared in the *Liverpool Daily Post*, signed—

"Sefton Park, 13th August, 1889. LE TARD."

That letter was written a few days after the verdict and while the gallows were being erected! The writer of it may from the address, which is a respectable suburb of Liverpool, be assumed to be a person of ordinary education, and written as it was, at such a time, it may even be assumed to have been written under a feeling of grave responsibility.

"Le Tard" says—

"The arsenic was inserted on Thursday night. Mr. Davies made his analysis on Sunday. The intervening time was much more than enough to dissolve the amount of arsenic found."

Now, instead of the intervening time from Thursday night to Sunday being much more than enough to dissolve it, I will venture to say that any person who possessed even the most superficial knowledge of the nature of arsenic would have known that if arsenic had been put into the bottle of Valentine's Meat Juice in the form of "powder," on that Thursday night, the 9th of May, 1889, the whole of it would not have been dissolved by the Sunday, if ever; and, moreover, it would be an almost impossible feat of dexterity for any one to put such a tiny powder as a grain of arsenic (even if they could weigh it out) into a bottle of Valentine's Meat Juice, out

of which some of the sticky liquid had only a short time previously been poured, without some of the powder sticking to the thin neck of the onion-shaped bottles. The Crown in making up their case did not take any one so ignorant about arsenic as "Le Tard" for their adviser. "Arsenic in solution" had been found in a bottle of Valentine's Meat Juice, and the scientific advisers of the Crown, being acquainted with the nature of arsenic, knew that whoever put it in, whether Mrs. Maybrick or anybody else, must have put it into that meat juice in the form of "arsenic in solution," and could not by any possibility have put it into it in the form of "powder," because if it had been some of it would have been found there by the analyst in a solid form, undissolved, and would be there in a solid form up to this day, and in actual proof of its having been introduced in the form of "arsenic in solution," Mr. Davies said that the specific gravity of the meat juice was "considerably lower." Arsenic in solution.

It was for this reason that the case of the Crown rested on "arsenic in solution" as the source of poison, and that Mr. Addison evaded the warnings Mrs. Maybrick had given about her husband taking "white powders." It was for this reason that he never mentioned the word "powder" as having any connection with the one-tenth of a grain of arsenic found in the body.

The Crown had no direct proof of any actual administration of arsenic by any one, and the only way in which they could connect Mrs. Maybrick with the arsenic found in the body was by showing that she had had in her hands a bottle of Valentine's Meat Juice on that Thursday night, and that "arsenic in solution" had been found in it, and that "arsenic in solution" had also been found after death in the dressing room into which Mrs. Maybrick had taken the bottle of meat juice on that Thursday night, and that although none of that particular meat juice had been taken by Mr. James Maybrick after it had been in her hands, and therefore it could not connect her *directly* with the one-tenth grain of arsenic found in the body, still it was a fair inference that on some other occasion or occasions she had administered some, although there was no *direct* proof of her having done so. No arsenic in the form of powder having been found in the house, and there being no proof that Mrs. Maybrick had ever had any access to any, it would have been fatal to the case of the Crown to have suggested that the arsenic found in the body had been administered in the form of powder, or in any other form than "arsenic in solution," and as Mr. Addison put it to the Jury—

"Each and every one of you knows that the charge against the prisoner at the bar is that she murdered her husband by administering to him doses of arsenic."

Habits of dosing himself.

It is of course possible—indeed it is more than possible, it is probable—that the "white powders" which Mrs. Maybrick warned Dr. Humphreys and Michael Maybrick that her husband was taking were not "arsenic" at all; and, indeed, neither Dr Humphreys nor Michael Maybrick attached any serious importance to his taking "white powders," and made light of Mrs. Maybrick's anxiety about them. But still, as "arsenic" is a "white powder," the evasion (when the case of the Crown was that the cause of death was arsenic) by Mr. Addison of any reference to these warnings was more ingenious than ingenuous. And again, the evidence of Dr. Hopper and Dr. Humphreys—witnesses for the prosecution at the Magisterial Inquiry as to the habit of James Maybrick of "dosing himself," and taking "double doses"—was such a material fact, and offered such an easy explanation for the finding of one-tenth of a grain of arsenic in his body, that it was more ingenious than ingenuous of Mr. Addison to evade it in the way he did. In his opening speech he alluded, certainly, to this habit of dosing himself, but in a way which was more ingenious than ingenuous :—

Mr. Addison, Q.C.

"Dr. Hopper will tell you how from time to time he used to give Mr. Maybrick nerve tonics having the usual ingredients of such tonics, including nux vomica, and homœopathic doses of strychnine and medicines of that kind, and will tell you that with the exception of that he never knew Mr. Maybrick to be ill during the eight years since the marriage. His brothers all three speak of him as a healthy and strong man. In addition to them you will have before you the two clerks in the office. One, Smith, the bookkeeper, had been with him about four years, and he will tell you he occasionally complained of his liver and discussed homœopathy. Lowry, the other man in the office, will speak to the same effect, and you will find that he was undoubtedly one of those men who, as people suffering in this way often are, was fond of discussing his ailments very freely, and listening to other people as to what they did with their ailments in adopting pills and doses, and often attended very much to the recommendations they would make."

Now, Mr. Addison has been often spoken of as having been very fair to the prisoner in stating the case for the Crown, but Mr. Addison had before him (what the Jury had not) the evidence of Dr. Hopper at the Magisterial Inquiry, and I put it to my readers whether that was a fair way of representing what Dr. Hopper had said. I have quoted above the evidence of the other witnesses of the Prosecution as to Mr. James Maybrick's habits of "dosing himself," and taking "double doses," and it would have been a fairer representation of that evidence if, instead of telling the Jury about his taking "homœopathic doses of strychnine and medicines of that kind," as prescribed by Dr. Hopper, and of his discussing "homœopathy" with his clerks at the office, Mr. Addison had told the Jury that the late Mr. James Maybrick had, for years past, made a regular Apothecary's shop of his stomach, and that the one-tenth of a grain of arsenic found in his body might possibly

have got there in consequence of his habit of taking all sorts of medicines recommended to him either by doctors or friends, and of taking "double doses," as to which Dr. Hopper had had to warn him that it was a "dangerous habit." It would have been a fairer description of Mr. James Maybrick's habits had Mr. Addison told the Jury that, according to the printed list of articles handed to the analyst, and which was *prepared* by the police, there had been found in the desk at his office no less than 24 bottles of different kinds of medicine, prepared by no less than 6 different chemists, and no less than 130 bottles of medicine at his house, made up by 23 different chemists (so far as they had any labels to show), and that a great proportion of them had no labels. It would, indeed, have been only honest for him to have told the Jury that the Crown could not rely on the fact that such an infinitesimal amount as one-tenth of a grain had been found in the body, because it would be almost a marvel if it had not been found in the body of a man addicted to such habits.

First date in case.

But instead of putting this before the Jury (and Mr. Addison is said to have been fair), Mr. Addison told the Jury that the way in which they were to arrive at a conclusion as to how the one-tenth of a grain of arsenic which had been found in the body had got there, was to think of Brierley and not arsenic, and take the "Brierley incident" as the "first date in the case."

Mr. Addison put the case of the Crown in this way:—

Mr. Addison, Q.C.

"The first date in connection with the case to which we may have to draw your attention is the 16th of March in this year [1889]; and all through the case, when you are watching the evidence, I should ask you, as a very convenient note, to follow closely as it were, the different occurrences that occurred from time to time. Upon that 16th of March, Mrs. Maybrick had to telegraph to London, to a hotel in Henrietta Street, Cavendish Square, for a sitting-room and bedroom."

Mr. Justice Stephen.

And Mr. Justice Stephen, when summing up, followed suit:—

"Gentlemen, the time over which these transactions ranged is from somewhere about the 21st of March, and the last in the general narrative is the death of Mr. James Maybrick, or possibly it was the post-mortem examination of the body, his death having taken place on Saturday, the 11th of May, late in the evening, and the post-mortem was held on the following Monday. Now these are the leading dates, and subdividing them more carefully, I will point out to you how they come in. First of all, it was about the 21st of March Mrs. Maybrick went up to London. It was there that the relations which you have had described existed between her and Brierley."

In other words, Mr. Justice Stephen and Mr. Addison did the same, invited the Jury, in considering how the one-tenth of a grain of arsenic came into the body of the deceased, to exclude from their minds all the habits of this man who for years had been "dosing himself" with everything any doctor or friend would recommend him, and start with the "Brierley incident," and connect that as

being a Motive for Murder with everything bearing on the death of Mr. James Maybrick, and with the one-tenth of a grain of arsenic which had been found in his body, until the discovery of which, Dr. Carter and Dr. Humphreys said they could not have said that the "cause of death" was arsenic.

Brierley—not arsenic—was the corner stone, both in the case of the Crown as stated by Mr. Addison, and in the summing up of Mr. Justice Stephen, upon which the Jury were invited to build a verdict of guilty of Murder by Arsenic.

Case of the Crown.

The case of the Crown was shortly this—

(1) Ignore the man's habit of "dosing himself."

(2) Take the Brierley incident, the 16th of March, as the "first date in the case."

(3) One-tenth of a grain of arsenic was found in the man's body.

(4) Arsenic was found in the house after death.

(5) Mrs. Maybrick committed adultery with Brierley in March.

(6) Adultery is a motive for murder—

Therefore Mrs. Maybrick is the person who put the one-tenth of a grain of arsenic into the body which was found there, and therefore arsenic was the "cause of death."

Mr. Justice Stephen.

Mr. Justice Stephen in his summing up to the Jury said—

"I can hardly see how it could be administered except by crime, and it has not been suggested that any one could well be the criminal except the prisoner in the dock."

Such remarks by a judge at a criminal trial may be suitable for the intelligence of a Liverpool Common Jury, but I will make a suggestion which will, I think, now that the excitement of the Maybrick Mystery has passed away, be more suitable to the intelligence of my readers, and that is, that it would be fairer to take the evidence of Dr. Hopper, and other witnesses of the Crown, as to the habits of the deceased of "dosing himself," as the first date in the case; and if my readers, when watching the evidence throughout, will keep those habits in mind, I think they will not be much inclined to accept as words of wisdom the language of Mr. Justice Stephen—

"I can hardly see how it could have been administered except by crime, and it has not been suggested that any one could well be the criminal except the prisoner in the dock."

Mr. Justice Stephen, in fact, in using such language, must either be speaking above or below the ordinary intelligence of mankind—must have been addressing himself to some world in which ordinary mortals do not live and move and have their being.

The plain English of the matter is that the Crown, both as represented by Superintendent Bryning and by Mr. Addison—with

every means of knowledge, and, moreover, with full knowledge of the habits of dosing himself which James Maybrick had practised for years—deliberately and persistently tried, when charging Mrs. Maybrick with Murder by Arsenic, to keep out of the case any reference to, and keep back from the Jury any knowledge of, this man's habits, and to connect Mrs. Maybrick by means of the Brierley incident as "the first date in the case," with the tiny quantity of $\frac{1}{10}$th of a grain of arsenic found in his body. Habits of dosing himself.

I have set out fully the evidence produced during these proceedings as to this man's habits, and I am unable to conceive any reason, consistent with fair play, why Superintendent Bryning and Mr. Addison should have attempted persistently to suppress information concerning this "man's habits of dosing himself," and to throw it upon the defence to bring this out. I denounce such a method of conducting criminal proceedings as disgraceful to the administration of justice in this country. It would have been simply a marvel if $\frac{1}{10}$th of a grain of arsenic had not been found in the body of a man addicted to such habits of "dosing himself," and Mr. Addison ought to have told the Jury so.

Again, as regards the warnings given by Mrs. Maybrick to Dr. Hopper, Dr. Humphreys, and Michael Maybrick about her husband's habits, and of his taking a "white powder" (which caused her alarm, because she thought it was strychnine), the plain English of the matter is that both Dr. Humphreys and Michael Maybrick laughed at her fears, and treated her fears as baseless. "White powders" might be anything from Arsenic or Strychnine to Seidlitz powders. Dr. Humphreys' little joke with her, when she first warned him "early in March," was that if he took too much strychnine it would kill him, and if he died suddenly she might mention that she had mentioned the matter to him! and when she repeated the warning about this "white powder," on the occasion of his being subsequently called in to attend James Maybrick on the 28th of April, Dr. Humphreys, in the face of the fact which he afterwards swore to, that the symptoms were "consistent with poisoning," contented himself with—but I will quote his own words :— White powder.

> "The result of it being that I questioned him upon the effects of strychnine and nux vomica, and the answer he gave me was, 'I cannot stand strychnine and nux vomica at all,' from which I drew my conclusion that he was not in the habit of taking it."

Dr. Humphreys may have his own methods of drawing conclusions, but in the face of these warnings to him by Mrs. Maybrick about these "white powders" (as to which see page 26), he said :—

> "She was alarmed about it ; she was unhappy."

I shall ask my readers to draw their own conclusions about

White powder.

a doctor who is called in to a patient whose symptoms were, as he swore, "consistent with poisoning"—indeed, with arsenical poisoning—and who treats such warnings with that sort of levity. The plain English of the matter was, that he thought himself, and left Mrs. Maybrick to think, that if her husband was taking "white powders," they were harmless "white powders," that James Maybrick was a man who knew all about medicines, and that Mrs. Maybrick, therefore, need not feel any alarm about any "white powders" he was taking. As regards Michael Maybrick, of course (not being a medical man, but only a brother), he may not even have known that arsenic was a "white powder"; and I do not therefore impute anything more to him than that which is involved in what he said himself about the effect upon his mind of the warnings of Mrs. Maybrick and her appeal to him to speak to his brother about it. He says of this warning—

"I attached very little importance to it."

Perhaps he thought they were Seidlitz powders! And when asked what action he took upon it, he said that he destroyed the letter, but that when his brother came up to London (which was a month afterwards), he said to him—

"What is it with reference to those little white powders I am told about?" I said. "I am told you take a certain powder." He said, "Whoever told you that? It is a damned lie."

Q. Did you pursue the subject further?

A. I did not.

And, indeed, he never even took the trouble to mention to Dr. Fuller (when making an hour's medical examination of James Maybrick) the fact that Mrs. Maybrick had written about, and was uneasy about, her husband's taking a "white powder."

Neither Mrs. Maybrick nor any one else, seeing her warnings treated thus lightly by Dr. Humphreys and Michael Maybrick, could have supposed that there was anything really dangerous in these "white powders," or that her fears about them were other than foolish fears. Mr. Addison also treated them as foolish fears, and never even alluded to these warnings about "white powders" in his opening speech for the Crown—and he moreover endeavoured, in every way, to suppress any evidence of the witnesses about these warnings or about "white powder." The case of the Crown was that Mrs. Maybrick had poisoned her husband by administering to him doses of "arsenic in solution," and not as a "white powder," and he consequently ignored, in every possible way, the evidence drawn out in cross-examination of the "witnesses for the prosecution" about "white powders," and the warnings Mrs. Maybrick had given about her husband's taking them. He treated, in fact, all references to "white powders" as if they had nothing

whatever to do with the case, as merely an attempt on the part of the Defence to upset the case of the Crown that the "cause of death" was "arsenic in solution"—that even supposing James Maybrick had been taking "white powders," there was nothing in that! Mrs. Maybrick had told Dr. Humphreys about "white powders." Well! there was nothing in it! At all events, that whatever the "white powders" were, they had nothing to do with the "cause of death," which was "arsenic in solution." The case of the Crown was that Mrs. Maybrick had been observed soaking arsenical fly-papers in a sponge-basin—that she had got "arsenic in solution" in that way; that "arsenic in solution" had also been found after death in places to which Mrs. Maybrick had access; that a bottle of Valentine's Meat Juice, which she had had in her hand, was afterwards found to contain "arsenic in solution." That the idea was scientifically ridiculous! as any "white powders" which James Maybrick had been taking might have been this, that, or the other thing, but could not have been arsenic. White powder.

The Crown, of course, was right in treating the question of "white powders" as scientifically ridiculous (and, indeed, as an absolute impossibility) as the source of the arsenic which had been found in the bottle of Valentine's Meat Juice. What they found in that bottle was "arsenic in solution," not "arsenic powder"; because if "arsenic powder" had been put into it, "solid arsenic"—and not "arsenic in solution"—would have been found in it, and would be there to this day. The Crown proved this beyond question—in fact, it is a scientific question as to which there could be no doubt; and if Mrs. Maybrick did put a "white powder"—as she said in her statement to the Jury she had done—into the bottle of Valentine's Meat Juice, it is absolutely certain that it could not have been "arsenic powder"—(see Appendix A)—because no "solid arsenic" had been found in it, and therefore (whatever warnings Mrs. Maybrick had given to Dr. Hopper, Dr. Humphreys, and Michael Maybrick) white powder could have no reference to the "arsenic in solution" which the Crown alleged Mrs. Maybrick had poisoned her husband with by administering it to him in cunningly-measured small doses, such as the half-grain of "arsenic in solution," which they had found in a bottle of Valentine's Meat Juice, which they alleged had been in her hands. Valentine's Meat Juice.

After the Crown had closed their case, and after her counsel had closed the case for the Defence, Mrs. Maybrick, who had been sitting in the dock for several days "a silent spectator of an interesting game played between counsel with her life for stakes," insisted upon telling the Jury herself what she had done with a bottle of Valentine's Meat Juice, which she had taken into the dressing-room. She had told her legal advisers the same thing Mrs. Maybrick's statement to the jury.

Mrs. Maybrick's statement.

from the very first moment when she was told that arsenic had been found in a bottle of Valentine's Meat Juice. Her legal advisers had suppressed this statement of hers. She astonished Mr. Addison and the Judge and the Jury—who, up to that time, knew nothing about what she had done with the bottle of Valentine's Meat Juice when she took it into the dressing-room, by voluntarily telling the Jury that she had put a "powder" into it; which her husband had entreated her to give to him, telling her that it would not do him any harm; but that she had no idea it was arsenic.

If she did put a "powder" into the same bottle which was analysed by Mr. Davies, one thing is absolutely certain, and that is, that that powder, whatever it was, could not possibly have been arsenic, because it could not all have dissolved, and would have been found as "solid arsenic" in it. Mr. Davies, however, although he searched carefully for it, and also for the fibres of fly-papers, found no "solid arsenic" in it, but only pure "arsenic in solution," such as might have been introduced into it in the form of Fowler's solution. He also found that the specific gravity had been "considerably reduced," showing that "arsenic in solution" had been introduced.

Indeed Dr. Carter in his evidence at the Trial said:

"I made a further search, pouring out some on to a white plate, shaking it up to see if I could find specks of white arsenic, or soot, or antimony."

However, Dr. Carter went on to say he could not find any specks of either arsenic, soot, or antimony. But then this odd question arises, Why did Dr. Carter trouble himself to look for specks of soot? What made him think of soot? This is very odd, because the packet of black powder labelled "Arsenic poison for Cats" had not at that time been found. What had been suggested to Dr. Carter up to that time, was that Mrs. Maybrick had been using fly-papers—and he would not have searched for "soot" in connection with fly-papers. Will Dr. Carter explain why he searched that Valentine's Meat Juice for soot on that Saturday, the 11th of May? Had any one suggested to him that there was a packet of rat poison in the house? If nobody had done so, it is very odd that he should have troubled himself to look for specks of soot. If somebody did, who was it? It is important to know this, because it has never yet transpired where this packet of rat poison came from, and the person who mentioned it to Dr. Carter before it was found in the house by Alice Yapp is probably the person who can tell us where it came from, and all about it.

See *post*.

When I come to deal with this "Valentine's Meat Juice incident," I shall show that the bottle which Mr. Davies analysed was not the *identical* bottle which Mrs. Maybrick took into the dressing-room at all.

At present I am dealing with the theory of the Crown that what Mrs. Maybrick put into the bottle which she took into the dressing-

room was half a grain of "arsenic in solution." That bottle Mr. Addison alleged, and called Nurse Gore and Michael Maybrick to prove, was the *identical bottle which Mrs. Maybrick took into the dressing-room*, and to prove that Nurse Gore, by her vigilance, *had prevented James Maybrick from taking any of it*; and he argued from this that as it had been handed to the analyst before any of it had been administered, the cunning system Mrs. Maybrick had adopted of administering poison to her victim in *carefully measured small doses* was demonstrated by the fact that the *half-bottle contained exactly half a grain of "arsenic in solution."*

[NOTE.—*The absolute ignorance and recklessness exhibited by this attempt to use the fact that half a grain of "arsenic in solution" was found in a half-bottle of Valentine's Meat Juice as a ground for the theory that Mrs. Maybrick was cunningly and slowly doing her husband to death with carefully measured small doses is only to be explained by supposing that everybody had lost their heads in the presence of the Maybrick Mystery, and, not knowing what to do, were following Dr. Carter blindfold! In his article in the "Liverpool Medico-Chirurgical Journal" he explains himself—*

"What Mr. Davies found was half a grain in a half bottleful—half a bottleful of the *diluted* beef juice."

And Mr. Davies himself, in his evidence at the Trial, made a point of having found half a grain in a half bottleful, *and Mr. Justice Stephen, like the rest of them, performed the arithmetical problem by saying that if there was* half a grain in a half bottleful *there must have been one grain in a full bottle!! But, in fact, Mr. Davies neither actually found half a grain, nor did he find it in a half bottleful. A bottle of Valentine's Meat Juice contains*—(see Appendix A.)—*1,183 grains (Wokes'), 1,050 grains (Hanson's), and Mr. Davies said that the quantity in the bottle which was handed to him was 411 grains, so he did not have a half bottleful. The quantity of "arsenic in solution" he actually found was ·12 of a grain in 100 grains of the Valentine's Meat Juice, and as the whole quantity in the bottle he had was 411 grains, by multiplying by 4, he arrived at the conclusion that there was half a grain of "arsenic in solution," not in a half bottle at all, but in 411 grains. Analytical science is a very exact science—it measures the thousandth, indeed the millionth, part of things—and for Mr. Davies and Dr. Carter to speak in this careless way of "half a grain in a half bottleful," and to build up in such a reckless fashion a theory of cunningly measured small doses, is one of the extraordinary features of the scientific evidence given in this Maybrick case. Again, to stamp the absurdity of the thing, did Dr. Carter suppose that Mrs. Maybrick intended her husband to drink off the whole bottle at once?—A. W. McD.*]

If she had known anything whatever about the nature and properties of arsenic, she would never have thought of explaining the presence of half a grain of "arsenic in solution" found in the

Mrs. Maybrick's statement.

Valentine's Meat Juice, by suggesting that she had put it in in the form of a "powder."

The only possible explanation of her having such an idea is that, like "Le Tard," whose letter to the *Liverpool Post*, I have quoted, Mrs. Maybrick was utterly ignorant of anything about arsenic, and therefore absolutely without the skill and appliances to perform the feat of dissolving and measuring out small doses of half a grain of "arsenic in solution."

But whether we are to regard her as if she was an ordinary woman—utterly ignorant of the nature and properties of arsenic—or whether we are to regard her as a woman possessed of the most consummate knowledge and skill in dealing with arsenic—as a woman who, to use the language of the closing words of Mr. Addison in presenting the case for the Crown, as a woman guilty of—

> "a murder founded on adultery and profligacy, and carried out with a hypocrisy and cunning rarely equalled in the annals of crime."

Whichever way we regard her, Mrs. Maybrick voluntarily made the following statement to the Jury after the case against her had been concluded (and she insisted upon doing this even against the advice of her legal advisers, including Sir Charles Russell), the same statement which she had made before even the Inquest, but which her legal advisers had suppressed. Now, taking it which way each or any of my readers chooses to take it, it is a statement which is absolutely inconsistent with any consciousness of guilt—

MRS. MAYBRICK'S STATEMENT.

"My Lord,—I wish to make a statement, as well as I can, to you, a few facts in connection with the dreadful crushing charge that has been made against me, the wilful and deliberate poisoning of my husband, the father of my dear children; and I wish principally to speak of the fly-papers and the bottle of meat essence. The fly-papers were bought with the intention of using them for a cosmetic. Before my marriage and since, for many years, I have been in the habit of using a facewash prescribed for me by Dr. Grace, of Brooklyn. It consisted principally of arsenic, tincture of benzoin, elder flower water, and some other ingredients. The prescription I lost or mislaid last April; and as at that time I was suffering from slight eruption of the face, I thought I should like to try to make a substitute myself. I was anxious to get rid of

this eruption before I went to a ball on the 30th of that month. When I was in Germany, many of my young friends there I had seen use a solution derived from fly-papers, elder water, and lavender, mixed into a face mixture, and then applied to the face with a handkerchief when it was well soaked together. I used the fly-papers in the same manner. But to avoid evaporation of the scent, it was necessary to exclude the air as much as possible, and for that purpose I put the papers under a towel folded up, and another towel on the top of this. My mother has been aware for a great many years that I used an arsenical cosmetic in solution. My Lord, I now wish to refer to the bottle of meat essence. On Thursday night, the 9th, after Nurse Gore had given my husband beef tea, I went and sat on the bed by the side of him. He complained to me of feeling very sick, very weak, and very depressed, and again implored me to give him this powder, which he had referred to early in the evening, and which I had declined to give him. I was overwrought, terribly anxious, miserably unhappy, and his evident distress utterly unnerved me. He had told me the powder would not harm him, and that I could put it in his food. I then consented. My Lord, I had not one true or honest friend in the house. I had no one to consult, and no one to advise me. I was deposed from my position as mistress in my own house, and from the position of attending on my own husband, notwithstanding that he was so ill. Notwithstanding the evidence of the nurses and servants, I may say that he wished to have me with him; he missed me whenever I was not with him. Whenever I went out of the room he asked for me, and for four days before he died I was not allowed to give him a piece of ice without its being taken from my hand. When I found the powder, I took it into the inner room, and in pushing through the door I upset the bottle, and in order to make up the quantity of fluid spilled, I added a considerable quantity of water. On returning to the room I found my husband asleep, and I placed the bottle on the table by the window. When he awoke he had a choking sensation in his throat and vomiting; after that he appeared a little better.

MRS. MAYBRICK'S STATEMENT.

As he did not ask for the powder again, and as I was not anxious to give it to him, I removed the bottle from the small table where it would attract his attention, to the top of the washstand where he could not see it. There I left it until I believe Mr. Michael Maybrick took possession of it. It was not until Tuesday, the 14th of May, the Tuesday after my husband's death. Until a few minutes before Mr. Bryning made the terrible charge against me, no one in that house had informed me of the fact that a death certificate had been refused, or that a post-mortem examination had taken place, or that there was any reason to suppose that my husband died from other than natural causes. It was only when Mrs. Briggs alluded to the presence of arsenic in the meat juice that I was made aware of the nature of the powder my husband had asked me to give him. I then attempted to make an explanation to Mrs. Briggs, such as I am now making to your Lordship, when a policeman interrupted the conversation and put a stop to it. In conclusion, I have only to add that for the love of our children, and for the sake of their future, a perfect reconciliation had taken place between us, and that on the day before his death I made a full and free confession to him, and received his entire forgiveness for the fearful wrong I had done him."

Sir Charles Russell: My Lord, I now desire to call two persons to whom that Statement was made before the inquest, to give evidence to that effect.

The Judge: I wish to say it is very painful to me to have to refuse what I feel to be an essentially reasonable request, but I think I cannot allow it—I cannot go beyond what the law allows.

Mr. Addison, Q.C.

But when Mrs. Maybrick had thus voluntarily told the Jury herself what she had done to a bottle of Valentine's Meat Juice, Mr. Addison seized hold of this statement of hers as the "missing link," as if, in fact, it were a confession that when she said she put a "white powder" into a bottle of Valentine's Meat Juice, she had put the ½ grain of arsenic which had been found by Mr. Davies—and changed his tactics altogether—and instead of treating her warnings about a "white powder" as a matter which had nothing to do with the case—turned round and built the case of the Crown upon these warnings about white powder, and dropped "arsenic in solution," as the source of poison, like a hot coal, and took up "arsenic powder" as the poison which she had used. This is what he said about it in his closing speech for the Crown.

"My friend (Sir Charles Russell) says it was actually in her favour, that it (the Valentine meat juice) was not administered to him. That it was not administered to him, was not by the will or act of this woman. She left it there to be administered to him, and in it there was ½ a grain of arsenic. Upon that, there may be some suggestion that arsenic found its way into his food without any act of the prisoner. This point has been mentioned by her in her statement, so carefully prepared and ably delivered. She gave the account of it this morning. She corroborates in every respect Nurse Gore, but she explains it by saying that he asked her to put it in his food, and she then consented. Well, gentlemen, I shall stop here a moment. 'I had no one to consult, no one to advise me. I was deposed from my position as mistress of my own house, and from the position of attendant on my husband, notwithstanding that he was so ill, and notwithstanding the evidence of the nurses and the servants, I may say he missed me whenever I was not with him. Whenever I was out of the room he asked for me, and for four days before he died, I was not allowed to give him a piece of ice.' This statement was carefully prepared, she said she put a white powder into it because she was asked to do so, as he said it would do him no harm. I cannot help recalling to you, in this connection, the story which she told at another time, about the white powder to others, and was it possible that she could innocently have done this thinking it would not do him any harm? After her experience in Germany, was it possible to suppose that she had put the white powder in, in that way? If she had done it innocently, why did she not tell the nurse? What was the necessity for concealment? Why were the doctors and nurses not told about it? What necessity was there to keep it quiet and secret? It was not a time when she could put a white powder in his food innocently or unsuspiciously. She had said he was dying. If that statement of the 8th was a true impression of his condition, why the day before had she said he was delirious, that he could not recover, that he was sick unto death? Is not that an extraordinary time to put a white powder in? She is complaining that she is the object of suspicion, that the food is cooked by the nurse, the management of the house entirely taken away from her. She said that, not only to Humphreys, but to others, and yet she thinks that a proper time to tamper with the meat juice, and put a white powder in it, of which she knows nothing, and when at least, it would be folly and madness on her part, unless she was carrying on a murderous design to do this without mentioning it to any one."

MRS. MAYBRICK'S STATEMENT.

Mr. Addison, Q.C.

Now, this being Mr. Addison's closing speech for the Crown, there was no one who could reply to it, except one—Mr. Justice Stephen—who, until the verdict of the Jury was given, was, it must be remembered, sitting in that Court as "counsel for the accused." A judge presiding at a Criminal Trial does not assume his functions as a judge until after the verdict of the Jury is given. Up to the verdict his position was "counsel for the accused;" who, until proved guilty to the satisfaction of a Jury, is presumed to be innocent. I will presently show how Mr. Justice Stephen performed that duty; but I will endeavour to answer the questions which Mr. Addison put to the Jury.

My readers are not a Liverpool Common Jury, sitting in times of great excitement over the Maybrick Mystery. They have got Mrs. Maybrick's statement before them, and the evidence about "the story she told at another time about the white powder to others," and they can compare it with the use made of these warnings by Mr. Addison and Mr. Justice Stephen.

MRS. MAYBRICK'S STATEMENT.

Either Mrs. Maybrick's statement is *true* or it is *false*, or it is *partly true* and *partly false*. My readers can take it from either of these points of view. It is not, perhaps, quite fair to pick and choose one part as true and one as false; but this statement will bear investigation from each and every point of view. If wholly *true*, it is no confession of guilt; it is, on the contrary, a complete answer to the charge of murder by arsenic, and establishes Mrs. Maybrick's innocence of any thought of compassing her husband's death.

I invite each of my readers to look at that statement in whichever light they choose.

If they regard it as *wholly false*—it is a false statement, and that is all, and is not, as regards any facts stated in it, of any value as evidence against her.

If they regard it as *partly true* and *partly false*, let me ask them to candidly settle in their own minds, when considering it, which parts of it are true and which are false.

Mr. Addison, Q.C.

Mr. Addison accepted it *as true*, and abandoning all the case of the Crown, that the poison had been administered as "arsenic in solution," adopted it as evidence that Mrs. Maybrick had used "arsenic powder" for the purpose of murdering her husband—that she had confessed to it—and that she had a murderous design in putting the white powder into the meat juice, and although the meat juice had not been actually administered "it had not been the will and act of this woman. She had left it there to be administered, and in it there was half a grain of arsenic."

I also accept it as true as—to use the Scotch form of oath administered to witnesses—"the truth which conceals no truth."

I shall at a later stage deal with different matters referred to in it separately, viz., with the fly-papers and also with the "perfect reconciliation" with her husband and with her confession of "fearful wrong" she had done her husband. I shall deal also, at a later stage, with the question whether the bottle of Valentine's Meat Juice, in which half a grain of "arsenic in solution" was found, was the identical bottle which Mrs. Maybrick says she put a powder into. At present I am dealing with Mr. Addison's comments upon *that part of her statement* to the Jury in which she says she put a powder into a bottle of Valentine's Meat Juice, because her husband entreated her to do it, and said it would do him no harm.

See post.

Now, first, as to what Mr. Addison refers to with marked unfairness, thus:—

> "I cannot help recalling in this connection the story which she told at another time about the 'white powder' to others."

"The story which she told" was, of course, the warnings she gave to Dr. Hopper, Dr. Humphreys, and Michael Maybrick about her husband's habit of taking all sorts of things, and about a "white powder" which she was very anxious about, and which she thought might be strychnine, and which she wished those doctors and his own brother to speak to him and remonstrate with him about it, and try to check him taking them. These doctors and Michael Maybrick all treated her anxiety as groundless, and instead of trying to check his taking any "white powders" he chose, left him to follow his own devices, and Mrs. Maybrick could not therefore suppose that they were strychnine or arsenic, or anything that she need be seriously alarmed about. She, moreover, knew him, as all his doctors and friends (except Michael) knew him, to be a man who drugged himself and who prided himself on his knowledge of drugs; and, in fact, Dr. Humphreys, on one of the occasions (28th April), when Mrs. Maybrick had warned him that her husband was taking "white powders," had—

MRS. MAYBRICK'S STATEMENT.

White powder.

"Questioned him upon the effects of strychnine and nux vomica upon himself,"

and had been satisfied with the answer he got, "I cannot stand strychnine and nux vomica at all," from which answer alone Dr. Humphreys says, "I drew my conclusion that he was not in the habit of taking it."

Dr. Humphreys says, in his evidence at the Trial, that on that 28th of April, "deceased knew he was taking nux vomica in the prescription Dr. Fuller had given him, and he had an idea that the stiffness of his limbs was due to that. He said—

"'Humphreys I think I know a great deal of medicine, I have read a good deal of medicine,'"

and consequently Dr. Humphreys advised him not to take any more of Dr. Fuller's prescription!

Finding that the doctors and Michael Maybrick treated her anxiety at his taking some "white powders" (the nature of which she did not know) as a matter in which they need not interfere, but leave her husband to do as he liked about, Mrs. Maybrick would naturally not be alarmed about them; and when her husband asked her to give him one, need not have had any "murderous intent" in acceding to his request. Both Dr. Humphreys and Michael Maybrick, to whom she had spoken about his taking them a short time before, had treated the fact of his taking "white powders" as a matter which Mrs. Maybrick need not trouble her head about. Dr. Humphreys had, in fact, studied the symptoms of his illness after his attention had been called to them by these warnings, and, if there had been any grounds for his supposing that any "white powders" he was taking were

MRS. MAYBRICK'S STATEMENT.

injuring him, would at once have told him not to take them. There was, therefore, no reason why Mrs. Maybrick should suppose that the "powder" she says he asked her to give him was arsenic or any poison at all. Her own alarm about them had been allayed by Dr. Humphreys; and even if she had felt—notwithstanding that Dr. Hopper, Dr. Humphreys, and Michael Maybrick made light of it—any doubt in her own mind about this powder doing him any good, there was no reason why she should not think her husband was a better judge of what did him good than herself, or that she should disbelieve him when he told her they "would not do him any harm." If Dr. Humphreys, to whom she had complained of her husband taking "white powders," had, when her husband was taken ill and he was called in, told her that the symptoms were "consistent with poisoning," and had forbidden his taking any "white powders," Mrs. Maybrick would undoubtedly have done wrong in acceding to his request for one of them. But Dr. Humphreys had done nothing of the sort; he had, in fact, treated her alarm about "white powders" as an idle fear; and, when she had spoken about it before, had joked about it, and said, "if he took too much strychnine it would kill him;" and "not meaningly, however," that "if he were to die suddenly, she might say she had mentioned about his taking white powders to him."

White powder.

This being the position of the matter, Mr. Addison quotes from Mrs. Maybrick's statement her account of her position in the house (and I shall presently show that that description of her position is in no whit exaggerated).

"I had no one to consult; no one to advise me. I was deposed from my position as mistress of my own house, and from the position of attending on my husband, notwithstanding he was so ill. And notwithstanding the evidence of the nurses and the servants I may say he missed me whenever I was not with him. Whenever I was out of the room he asked for me, and for four days before he died I was not allowed to give him a piece of ice."

I will add a few more lines out of that statement—

"I was overwrought, terribly anxious, miserably unhappy, and his evident distress utterly unnerved me. I then consented."

I will interpose here a remark. The evidence of the nurses and the servants was that he did miss her whenever she was out of the room and wanted to have her by him, and Mr. Justice Stephen, who used the report of the *Liverpool Daily Post*, pointed this out when referring to the phrase "notwithstanding the evidence of the nurses and the servants." Another newspaper, however, reports her words as being "notwithstanding he was so ill and according to the evidence of the nurses and servants," and as this was actually their evidence, there was probably an error in the *Liverpool Daily Post* report in the repetition of that word, "notwithstanding." Anyway,

there is no doubt of the fact that the evidence of the nurses and servants was that her husband liked to have her with him, and did miss her and ask for her whenever she was not in the room. Mrs. Maybrick's statement.

Now, in that position of affairs, Mr. Addison asks this Liverpool Common Jury this—I cannot call it by any other name—this silly question :— White powder.

"If she had done it innocently, why did she not tell the nurse?"

I will not insult the intelligence of my readers by asking them why a lady, deposed from her position as mistress of her house and from the position of attending her husband, "did not tell the nurse" who had been put (not by her husband, who wanted to have her by him, but) by Michael and Edwin Maybrick to treat her in such a way? I will rather ask those of my readers who are wives whether they would have told the nurse? Of one thing I am quite certain—that is, that my own wife would not have told the nurse, and yet she would have no "murderous design" under such circumstances in not telling the nurse, or in giving way to an urgent request of mine. I am quite sure that my own wife would have taken very good care that the nurse didn't know it! Mrs. Maybrick says in her statement that she had no conception that the powder was arsenic. Why should we doubt that statement? On what earthly grounds have we any right to assume that any young woman like Mrs. Maybrick would know that arsenic is a white powder? I doubt whether one young woman in a hundred would know it. I find, on the contrary, as a result of inquiry of people in every rank of life, that the greater number of those who have any idea of what arsenic looks like think it is a *black powder*, because, whenever they have seen it—whether for use on farms or for vermin—they have always seen it as a *black powder*, mixed with soot. There would neither be "folly, nor madness, nor murderous design," in any wife placed in the position of Mrs. Maybrick, and under the circumstances in which she was placed, consenting to give him the powder he implored her to give him, and if she had indulged him by actually giving it to him, she would have only done what I will venture to say ninety-nine wives out of every hundred would have done under the circumstances in which she was placed, but she did not give it him—on the contrary, she put it out of his sight when he awoke (as the evidence of Nurse Gore corroborates in saying she did do)—and in doing so she did that which not one wife in a hundred would have had, under such circumstances, the moral courage or strength of mind to do. Let any of my readers who are wives try to place herself in Mrs. Maybrick's position, and then let them candidly read her statement to the Jury. "One touch of nature makes the whole world kin."

How many cases are there where—even when the doctor has,

Mrs Maybrick's statement.

for example, warned the wife that a glass of spirits would have an injurious effect—she has given way to a husband's entreaty to let him have a glass? Aye, and how often has the doctor been wrong, and the wife right, in giving way to the craving of a dying man for what he asked for, and which in pity for his sufferings—doctor or no doctor—the wife has given him? But in this case Dr. Humphreys had not forbidden James Maybrick taking his "white powders," and had, on the contrary, joked with Mrs. Maybrick about her alarm at them; and she had not even given him what he had asked for—she had, on the contrary, put it out of his sight when he awoke, so that he should not be reminded of it. **Her statement to the Jury is too natural to be untrue.** Perchance—arsenic eater as he was—if she had indulged him, and (if this powder had been arsenic) he would be alive to-day, to protect his wife—now left forsaken and alone—and to call to account those who had dared, during his illness, to usurp authority in his house and depose his wife from her position as mistress in her own house, and prevent her from attending on him, notwithstanding he was so ill, and wished to have her by him! or, to use the words of Elizabeth Humphreys, the cook, in her evidence at the Trial:—

"He said Mrs. Maybrick would attend to all he wanted *when* she came back. Mr. Maybrick never seemed, so far as I could see, to want anybody but his wife. He seemed quite content that Mrs. Maybrick should wait on him."

Mr. Justice Stephen.

Now let me put before my readers the way in which Mr. Justice Stephen presented this evidence about "white powders" (the whole of which I have set out verbatim) to this Liverpool Common Jury; and after they have read it, and deliberately considered it, let me ask them whether they approve or intend to permit criminal trials in this country to be conducted in this way?

White powders.

"Gentlemen, the evidence about powder in this case is this, that on several occasions and to several persons she expressed great anxiety about a habit which her husband, as she supposed, had of taking—secretly taking—some kind of powder. I remind you of the evidence of Dr. Hopper—the evidence of Dr. Humphreys—the evidence of Michael Maybrick, as to the letters she wrote them—three persons at once—and I am not sure that there were not more. I may also point out evidence to this effect, that she was zealously objecting to his making use of some powder which she was afraid was of an objectionable kind, and, indeed, she spoke to Dr. Humphreys as to what would be the effect of his taking strychnine. He gave the only answer he could give —'When a man takes too much strychnine it kills him.' Then there was that farther conversation to the effect that if Mr. Maybrick ever died (it struck me at the time as being a strange conversation to hold), if he ever died suddenly, 'you can mention,' said Dr. Humphreys, 'that you mentioned the matter to me.' In that state of things was it natural that an affectionate wife should all of a sudden give way to that which her sick husband suggested she should do, and do so extraordinary a thing as to put a white powder into her husband's meat juice. This is a point which presses very hard upon her. You have heard Mr. Addison upon it. You have heard him speak about it with a degree of earnestness and

impressiveness, which I am sure I appreciated—which I do not think was answered. But I will say no more about it. You have heard him say what was his view of the questions, and you must ask yourselves whether you think that you can find a proper answer to the questions which he put together on that subject. They very greatly impressed my mind. I am happy to think that I have not to find any positive answer to them; but it is a matter for you to see, if you can, and you must say what you think about it." Mrs. Maybrick's Statement.

I indignantly protest, in the name of all that is fair in the administration of justice, that Mr. Justice Stephen (instead of giving a laudation of Mr. Addison's earnestness and impressiveness, and instead of telling them that his questions had not been answered—when Sir Charles Russell had no opportunity of answering them—and how they had greatly impressed his mind, and so forth) ought to have summed up to the Jury the evidence itself of these "three persons at once, and I am not sure that there are not more," viz., Dr. Hopper in June, 1888, and Dr. Humphreys in the beginning of March, 1889, and Michael Maybrick on the 12th March, 1889. Mr. Justice Stephen.

There is yet another matter affecting the question of the "first date in the case," and that is the state of health of the late James Maybrick.

The medical men who made the post-mortem examination said that the actual cause of death was *gastro-enteritis*, caused by some *irritant poison*, but that until the analysis was made they were unable to specify what the *irritant poison* was. Cause of death.

Now, there are two expressions used here which it is necessary to define—

(1) Gastro-enteritis.

(2) Irritant poison.

Gastro-enteritis is, in plain English, inflammation of the stomach and bowels. It is a mere medical phrase. It is not the *origin*, it is the *result* of the thing which causes death. It is the carrier, as it were, of death—not the originating cause of death. Inflammation of the stomach and bowels (or gastro-enteritis) is itself caused or set up in all sorts of ways. It may be caused or set up by a chill, or by fatigue, or by anything in the way of food or drink which disagrees with a man. It may and frequently is caused or set up by arsenic, or in fact by almost anything one can think of—by a vast variety of things, in fact. It would be a monstrous misconception of terms to speak of *gastro-enteritis* as if it were something especially connected with arsenic. Arsenic causes death, and with our imperfect knowledge as to how it causes death, inflammation of the stomach and bowels, or gastro-enteritis, is taken as the way in which it uses Death's scythe; but we do not know even that. Gastro-enteritis is a phrase meaning, in plain English, inflammation of the stomach and bowels, which may be set up by almost anything—arsenic among other things. James Gastro-enteritis.

Cause of death, Gastro-enteritis.

Maybrick died of inflammation of the stomach and bowels, or *gastro-enteritis*. That was admitted on all hands. The conflict of medical opinion at the Trial was whether that inflammation of the stomach and bowels—that *gastro-enteritis*—had been caused or set up by arsenic or not. The Crown called six medical men as witnesses for the Prosecution. (No questions as to the "cause of death" were asked of Dr. Hopper or Dr. Fuller, so their opinion is not known.) Dr. Barron, who had attended the post mortem, would not adopt the suggestion that arsenic had set up the gastro-enteritis—in fact, he thought it had been set up by some impure food. In fact, only three out of the six medical men called by the Prosecution said that it was arsenic which had caused it or set it up, viz.,

Dr. Carter,
Dr. Humphreys, and
Dr. Stevenson.

Four medical men were called for the Defence (Dr. Drysdale was not asked his opinion as to the cause of death, so his opinion is not known); but the others were certain that it was not arsenic which had set it up, viz. :—

Dr. Paul,
Dr. Tidy, and
Dr. Macnamara.

I shall, at a later stage, deal with the evidence of these medical men. All I need say now is that all these medical men, except Dr. Carter and Dr. Humphreys, had had previous experience of deaths by arsenical poisoning. (Dr. Carter and Dr. Humphreys said, in their evidence at the Trial, that they had had none.) The conflict of medical opinion of such men is a remarkable feature of the case. "When doctors disagree who shall decide?" is a question which has been answered in the Maybrick case by saying—"A Liverpool Common Jury can do it!"

Irritant poison.

Irritant poison. Now this, again, is a mere phrase, and nothing more. Almost everything is an *irritant poison*. Several things do not agree with everybody, and when they do not agree with any particular one they are *irritant poisons* to that person. Arsenic, of course, is an *irritant poison* to every one, except to an arsenic eater who has become gradually used to it—so is every other deadly poison—but the phrase is a mere phrase, and when the medical men who attended the post mortem found that the late James Maybrick had died of *gastro-enteritis* (or inflammation of the stomach and bowels), which had been set up by some *irritant poison*, they used that mere phrase. They did not know, or pretend to know, what that *irritant poison* was, or even whether it was a metallic poison like arsenic, or a vegetable poison. That was a thing they could only discover by analysis. The evidence, however,

given by medical men themselves, who made the post-mortem examination, will perhaps be the best way of explaining what they meant themselves by the phrase or expression, *irritant poison.* Cause of death. Dr. Humphrey's irritant poison.

Dr. Humphreys' evidence at the Inquest was :—

"The appearances at the post mortem were consistent with congestion of the stomach, not necessarily caused by an irritant poison."

Q. I may take it the symptoms during life were also consistent with congestion not caused by an irritant poison?

A. They were consistent with acute inflammation of the stomach and intestines, produced by any cause whatever.

Q. From any cause?

A. From any cause whatever which would produce similar pathological results.

Q. I may take it that acute congestion does arise without any administration of poison from outside?

A. It does occasionally arise—rarely.

Q. *I think you did tell us you had no experience of a case of arsenical poisoning?*

A. *I have no personal experience.*

Q. *Or of any irritant poison?*

A. *Or any irritant poison.*

Dr. Humphreys' evidence at the Magisterial Inquiry was :—

Q. For some days after you began to attend him you had no reason to believe that his symptoms arose from anything but natural causes?

A. I had not.

Q. They were symptoms of indigestion and congestion of the stomach, which might be produced by a variety of causes.

A. Quite so.

Q. As to the post-mortem appearances, what did they substantially come to?

A. We found a considerable amount of congestion and inflammation of the stomach and intestines. There was also some hæmorrhage, and that implies that there must have been some very acute form of inflammation.

Q. Would they also be consistent with any cause very irritant—arsenical or metallic poisoning? Would not the post-mortem appearances be consistent with congestion of the stomach from ordinary poisoning?

A. What do you call ordinary poisoning? There is no such thing.

Q. I was using an expression Dr. Carter made.

A. Do you mean poisoning from decomposed food, tinned meat, or anything of that kind?

Q. Yes.

A. I cannot say.

Q. You cannot say they were consistent, or you cannot say they were not?

A. No, I cannot say.

Dr. Carter's evidence at the Inquest was :— Dr Carter.

"I thought from the account I heard of his dining at the Wirral Races—not knowing the gentleman—I thought that I told Mr. Michael Maybrick that he must have taken some irritant wine, or decomposed meat, or that there had been some grave error of diet. I stated to Mr. Michael Maybrick that I thought something had occurred—accidental, no doubt. It was not disease, *per se*, but I thought he had taken something which had caused all this."

The Coroner: Had you any reason to suppose the article taken was poison?

Cause of death, irritant poison.

A. Yes ; but by poison I would mean something that was bad. It might be tinned meat that he had partaken of at the race dinner, not a discreet dinner ; and perhaps wine had entered into it. His manner of life I did not know at the time, and I thought and said that he had taken something which had set up gastritis.

Dr. Carter's evidence at the Magisterial Inquiry was :—

Q. On the 13th May you assisted at the post-mortem examination with Dr. Humphreys and Dr. Barron ?
A. Yes.
Q. Did you come to the same conclusion as Dr. Humphreys ?
A. Yes, but in a more positive manner.
Q. Did you find arsenic anywhere ?
A. We found evidence of an irritant poison. That was all we could find.
Q. Where ?
A. In the stomach and intestines.
Q. Did you find arsenic ?
A. No.
Q. You don't find arsenic except by analysis ?
A. Only by analysis.
Q. What do you say was the cause of death ?
A. Some irritant poison—most likely arsenic.

Dr. Barron.

Dr. Barron's evidence at the Inquest was :—

The Coroner : Taking into consideration the history of the case as related to-day as to Mr. Maybrick's symptoms during life, and coupling this with what you saw at the post-mortem, you are of opinion that death was due to some irritant poison ?
A. Yes, some irritant poison.
Q. Are you able to point to the particular poison ?
A. No, not apart from the evidence.

Dr. Barron's evidence at the Magisterial Inquiry was :—

"I did not attend Mr. Maybrick. On the 13th of May I assisted at the post-mortem examination with Dr. Humphreys and Dr. Carter."
Q. Do you agree with Dr. Carter's evidence given to-day, as to the cause of death ?
A. Not exactly.
Q. What, in your opinion, was the cause of death ?
A. I consider from the post-mortem appearances that death was due to inflammation of the stomach and bowels, due to some irritant poison.
Q. Can you say what sort of poison ?
A. No.
Q. That is as far as you can go ?
A. Yes.
Q. Dr. Carter, when before the Coroner, said he meant by poison something that was bad—it might be tinned meat, bad wine, or an indiscreet dinner. Do you look at poison in that wide way ?
A. Poison might be bad tinned meat, bad fish, mussels, or generally bad food of any kind, or alcohol taken in excess.

There is yet another matter which has a possible bearing upon the question of "gastro-enteritis set up by some irritant poison," that the doctors, themselves, who were attending James Maybrick

administered to him a number of "irritant poisons" which could "set up gastro-enteritis." The following is a list of the medicines which had been poured into this man's stomach within a few days before death :— Cause of death.

Prescribed by Dr. Humphreys. Prescriptions.

April 28—Diluted Prussic Acid.
29—Papaine.
Iridin.
May 3—Morphia Suppository.
4—Ipecacuanha.
5—Prussic Acid.
6—Fowler's Solution Arsenic.
7—Jaborandi Tincture.
Antipyrine.
10—Sulphonal.
Cocaine.
Phosphoric Acid.

Almost every one of these things are *irritant poisons*, capable of setting up gastro-enteritis, even in a healthy man, and some of them are patent medicines made abroad, the ingredients of which Dr. Humphreys said in his evidence he could not give.

It is necessary not only to bear in mind his habits of dosing himself—but besides this, as gastro-enteritis (or inflammation of the stomach and bowels) may also have been set up by a chill, or by fatigue, or by any such slight cause in a man predisposed to a disordered stomach—it is necessary also to take into account the state of his health.

Mr. Addison, in opening the case for the Crown at the Trial, dealt with that question in this way :— Mr. Addison, Q.C.

"Dr. Hopper will tell you how from time to time he used to give Mr. Maybrick nerve tonics, having the usual ingredients of such tonics, and including nux vomica and homœopathic doses of strychnine and medicines of that kind; and will further tell you that with the exception of that he never knew James Maybrick ill during the eight years since the marriage. His brothers, all three, speak of him as a healthy and strong man, and in addition to them you will have before you the two clerks in the office. . . . With regard to the servants who lived in the house, including the nurse (Alice Yapp), they knew nothing of these matters. They considered their master a healthy and strong man, going regularly to his office."

In support of this representation as to his being a healthy and strong man, Mr. Addison called Dr. Fuller (Michael Maybrick's London doctor), who had never seen James Maybrick before, and knew nothing of his constitution and habits, but had made "an hour's examination" of him on the 14th of April, and found nothing the matter with him, and had simply prescribed for him an aperient and a tonic, because he fancied himself ill; and had seen him again on the 21st April, when he found him better, and State of James Maybrick's health.

slightly altered his prescriptions. *Dr. Fuller consequently could not know much about his general health.*

State of James Maybrick's health.

Now, as regards Dr. Hopper, he had not been attending James Maybrick since September, 1888; and James Maybrick had, in fact, been consulting another medical man, Dr. Drysdale. Mr. Addison (although he promised to call three brothers) only called two, viz., Edwin and Michael, who both spoke of James Maybrick as an exceptionally healthy man, *but as to whose means of knowledge no evidence was given.* As regards Edwin, all that transpired at the trial was that he had been in America for some months, viz., from August, 1888, and had only returned to England on the 25th of April, and had scarcely seen his brother before the 28th of April, the day when he was taken ill, and when Dr. Humphreys was first sent for. No evidence was given as to when *Michael Maybrick had had any opportunities of seeing his brother and forming an opinion about his state of health* except that he had been at Battlecrease at Christmas, and, for some unexplained reason, had on that occasion recommended this exceptionally healthy man to come up to London to see his own doctor, Dr. Fuller! This is all the evidence produced at the Trial of any opportunity Michael had of speaking about his brother's general health, except that he had also seen his brother on the occasion of his coming up to consult Dr. Fuller on 14th April. There was no evidence given of Michael having had any other opportunities of forming any opinion about the state of his brother's health.

Mr. Addison said he would call three brothers; he only called two.

[NOTE.—*James Maybrick had four brothers—Michael, Edwin, Thomas, and William. Thomas Maybrick lives in Manchester, and so far as I have been able to ascertain, had not visited his brother James for some years, and really had very little communication with him. He was, however, present at Battlecrease on the day of James Maybrick's death; and it is somewhat remarkable that, having been present at the time of death, he was not called as a witness. There was another person also present at the time of death, Mr. George R. Davidson, of 7, Rumford Street, Liverpool, one of the very few persons who were constant visitors at Battlecrease House, and the late Mr. James Maybrick, who was his most intimate friend, actually died in his arms. It is remarkable that he was not called; he, at all events, would have been able to give some information as to the state of James Maybrick's general health and habits. In one of Mrs. Maybrick's letters, written in Walton Gaol, on 2nd July, she refers to this Mr. Davidson thus: "Did I tell you that I had a few lines from Mr. Davidson. Poor man, I am very sorry for him, and he is sorrier for me." Why was he not called as a witness? The*

other brother, William Maybrick, lives in Liverpool; but, so far as I can ascertain, Mrs. Maybrick herself had scarcely ever seen him, and the servants had never seen him at the house. Was he the third brother whom Mr. Addison said he should call, but did not call, to prove that James Maybrick was a healthy man?—A. W. McD.]

Superintendent Bryning at magisterial inquiry.

And now I want to call attention to—(and again ask for the production of the "particulars taken by the police" upon which Superintendent Bryning made)—the following representation as to Mr. James Maybrick's illness, when putting this charge of "Murder by Arsenic" upon Mrs. Maybrick at the Magisterial Inquiry.

Fly-papers.

"A week or two after the Grand National (which was run on the 29th of March), *some witnesses said a week* and *some said a week or two*, a curious incident happened. During a day on which Mr. Maybrick was at business, and when the prisoner was at home, a servant named Bessie Brierley, in going into the bedroom which was used by the prisoner and the deceased, found a number of fly-papers steeping in a basin on one of the tables in the room. Bessie Brierley told Alice Yapp about this, and the latter went into the bedroom and she also saw them. *What became of the fly-papers and the liquid in which they were seen there is absolutely no trace.* But it may be remembered that *about this time, a week or two after the Grand National*—the period which I am about to mention is fixed by dates upon prescriptions—*Mr. Maybrick's health became unsatisfactory. In consequence of this he visited his brother, Mr. Michael Maybrick, in London, and consulted Dr. Fuller*, his brother's physician. Dr. Fuller prescribed for him, and *the date upon the prescription shows the date of this visit to London, viz., the 14th of April—a week or two after the Grand National, and coincident with the time these fly-papers were found in the bedroom.*"

Date of first illness

Now I press for the production of the "particulars taken" by the police, upon which Superintendent Bryning made that statement to the Magistrates. In that statement he fixes the date of James Maybrick's first illness as the 14th of April!—a most material point—and in the most pointed and sensational way makes it coincident with the soaking of fly-papers in a basin!

Fly-papers.

Now, not only did he call none of these witnesses to whom he referred as "*some witnesses said a week, and some a week or two*" after the 29th of March (the day of the Grand National, when the curious incident happened of soaking fly-papers in a basin, coincident with the commencement of James Maybrick's illness); but the witnesses who were called put the date of this curious incident as *being about a month after the Grand National*—about the end of April, and at the trial Mr. Addison selected the 24th of April as the date! Moreover, Mr. Addison called Dr. Fuller at the Trial to prove that when James Maybrick came to consult him on the 14th, and again on the 21st April, *there was nothing the matter with him*; and Mr. Addison, in his opening speech for the Crown at the Trial, dropped all this cock-and-bull story of Superintendent Bryning's, upon which the police had built up a case for the Crown

Fly-papers.

that Mrs. Maybrick had poisoned her husband with a decoction of fly-papers! It was a sensational story—specially suitable for "the Maybrick Mystery," because a few years previously Liverpool had been thrown into a great state of excitement by a murder—the Flannagan case—with fly-papers, and the very mention of the word fly-papers in Liverpool was sufficient to make everybody hysterical! That story did for Superintendent Bryning to tell the Magistrates, who committed Mrs. Maybrick for trial, when the defence was reserved! But Mr. Addison was far too astute to put that story up before Mr. Justice Stephen and a Jury, and so, when he opened the case for the Crown, he got rid of it in this way: He said, as to James Maybrick's visit to London on the 14th April—

Mr. Addison, Q.C.

Money matters.

"His chief object in going up to London apparently was to make arrangements in connection with money matters"—

and as to his consulting Dr. Fuller on that occasion, that—

"Dr. Fuller will tell you that at that time Mr. James Maybrick was a healthy and strong man"—

and as to the date of the commencement of James Maybrick's illness, instead of giving the 14th of April, Mr. Addison took the 27th April as the date—

"I will call your attention, in the order in which they occur, to the different events which took place between the 27th of April and the 11th of May, because it is between these dates that occurred the serious illness that ended in the death of James Maybrick on the 11th of May."

Accordingly, Mr. Addison called Dr. Fuller, to prove—

State of James Maybrick's health.

"In consequence of a letter from Mr. Michael Maybrick I went to his chambers, Wellington Mansions, Regent's Park, on Sunday, 14th of April, for the purpose of examining his brother, James Maybrick. I saw Mr. James Maybrick, and made an examination of him, and heard what he had to say. He complained of pains in his head and of numbness, and said he was apprehensive of being paralysed."

Mr. Addison: What made him think that?

A. He had lost some sensation and felt numb. *The examination lasted over an hour. I found there was nothing the matter with him. I told him there was very little the matter with him, but that he was suffering from indigestion, and that I was perfectly certain there was no fear of paralysis. The symptoms were those which might be attributed to indigestion.* When I told him this he was more cheerful. I did prescribe for him. These two prescriptions [produced] are the ones I prescribed on the 14th for him. The one is an aperient, and the other a tonic with liver pills. On the following Sunday, the 21st, deceased came to my house and told me he felt much better. *I examined him again and found him better.* The dyspeptic symptoms of which he complained had partially disappeared. I thereupon slightly altered the prescriptions, and wrote another [produced].

Superintendent Bryning.

Now, it is inconceivable that Superintendent Bryning, when he told the Magistrates his cock-and-bull story about "the curious incident happening of the steeping of fly-papers in a basin being *coincident* in date with this visit to Dr. Fuller on the 14th April,"

that the police had not "taken particulars" of Dr. Fuller! And I press for the production of those "particulars taken" by the police, because it is absolutely inconceivable, if they contain *any statement by Dr. Fuller* in any way resembling the evidence Mr. Addison called Dr. Fuller to give at the Trial, that Superintendent Bryning would have made the statement to the Magistrates which he did make! Fly-papers

On the other hand, it is inconceivable that Superintendent Bryning concocted this cock-and-bull story himself! Mr. Addison very astutely dropped it. The fly-papers had not been bought before the 14th! and the dates would not fit in any way!! and James Maybrick was not suffering, according to Dr. Fuller who had made "an hour's examination of him," from any effects of arsenic at all on the 14th of April or on the 21st April!!! Mr. Justice Stephen.

With regard to the arrangement of the whole evidence given at the Trial, Mr. Justice Stephen in his summing up, said—

"The circumstances connected with the evidence are very varied, and the different witnesses go backwards and forwards in a way which makes the evidence somewhat confusing from the beginning to the end." Confused way evidence at trial was presented.

This is about the English of the way, confusing and confused, in which the Crown presented this case to the Jury, and by way of making this confusion worse confounded, Mr. Justice Stephen—instead of making any effort to assist the Jury to unravel the tangle—addressed them in these words:—

"I am sorry to say I shall not be able to arrange it before you exactly as I could wish. . . .

"It is very difficult, if not, to say, practically impossible for a judge, who is summing up, to arrange the whole matter in his own way, and yet in such a way that he can be sure of doing complete justice to the evidence which has been put before you."

Now, I emphatically protest against this. On what earthly ground did Mr. Justice Stephen, recognizing that the evidence had not been arranged as he could wish, and that "the different witnesses go backwards and forwards in a way which makes the evidence somewhat confusing from the beginning to the end"—on what earthly principle, I ask, did Mr. Justice Stephen presume, when summing up such evidence, to evade his duty? Why did he not address his great intellectual powers to arranging that evidence in a way which was not confusing? Is it tolerable that any judge presiding at a criminal trial should thus evade his duty? What is the object of a summing up by a judge? Is it not distinctly and solely for the purpose of assisting the Jury, and for the purpose of arranging the evidence in such a way that it is not confusing?

Mr. Justice Stephen went on thus:—

Mr. Justice Stephen.

"Witnesses naturally are obliged to witness to a great number of matters quite unconnected with each other, and to dissect the evidence of each witness in such a way as to bring before you at one view the whole of the matters to which he has testified would be an enormous labour, which would hardly be repaid in regard to its clearness for your consideration. I shall, therefore, take the course of going through the evidence as it has already been given."

I will venture to say that the whole records of summings up in criminal trials of the Bench of England would be searched in vain for any such shirking by any judge at a criminal trial of any labour, however enormous. But what makes the course taken by Mr. Justice Stephen the more extraordinary is that he actually had told the Jury that the evidence had not been arranged in the way he could wish, and that it had been arranged in such a manner that "the different witnesses go backwards and forwards in a way which makes the evidence somewhat confusing from the beginning to the end," in short, invited them not to attempt the task as being hopeless of trying to unravel the tangle, and then, evading the "enormous labour," he says—

"I shall, therefore, take the course of going through the evidence as it has already been given"—

and accordingly he adopts Mr. Addison's arrangement, which he says, "makes the evidence somewhat confusing from the beginning to the end," and takes the "Brierley incident"—Mrs. Maybrick's visit to Flatman's Hotel, in London, on the 21st of March—as "the first date in the case."

I do not think my readers will accept any such arrangement, and will see that in considering the two questions in this Trial for Murder by Arsenic, viz.,

(1) Was arsenic the cause of death?

(2) If so, was the arsenic which caused death feloniously administered by Mrs. Maybrick?

I think my readers will say that the "habits of dosing himself," and the state of his health, and not the "Brierley incident," were the first matters to be considered.

Keeping these things then in mind, the following diary of "the occurrences that occurred," which Mr. Addison asked the Jury to follow carefully, may be usefully introduced here.

I shall, at a later stage, deal at length with these occurrences separately. I merely set them out here for the purpose of convenience of narrative.

DIARY.

Visit to London.

March 16th to 20th.—Mrs. Maybrick telegraphed and wrote to Flatman's Hotel, engaging sitting-room and bedroom for Mr. and Mrs. Thomas Maybrick, of Manchester, and arranging the sort of dinner they would like to have, as her sister-in-law was inexperienced in such matters, and saying that her sister-in-law would

arrive on the Thursday, 21st, and would stay a week, and was not particular as to the price of the rooms.

Thursday, 21st March.—Mrs. Maybrick left Battlecrease and, according to the evidence of Schweisso, the waiter, arrived at Flatman's Hotel alone, at 1-30 p.m. At 6-30 p.m., a gentleman called, and they went out to dinner and the theatre, and Mrs. Maybrick had not returned to the hotel at 11 o'clock, at which hour Schweisso, the waiter, went to bed.

[NOTE.—*This gentleman was Mr. John Baillie Knight, an old family friend.* See p. 21.—*A. W. Mc.D.*]

March 22nd, Friday.—Schweisso, in his evidence at the Inquest, identified Brierley as a different gentleman to the one who had called the evening before, and said he first saw Brierley *at breakfast with her at 9-30 a.m.* This he repeated at the Magisterial Inquiry, but at the Trial" he said Mrs. Maybrick *breakfasted alone, and that he first saw Brierley at dinner, at 7-30 p.m.*

March 23rd, Saturday.—Mrs. Maybrick was still at the hotel, and Schweisso, the waiter, saw Brierley with her.

March 24th, Sunday.—Both Mrs. Maybrick and Brierley left the hotel at 1-30 p.m. At the Magisterial Inquiry, Schweisso said *Brierley paid the bill* £2 13s. 0d., but at the Trial, he said *Mrs. Maybrick paid it.*

[NOTE.—*From Sunday, the 24th, to Thursday, the 28th, Mrs. Maybrick stayed at the Misses Baillie's, Kensington Palace Gardens, old family friends, and relatives of Mr. John Baillie Knight.* See note, p. 22.—*A. W. McD.*]

March 28th, Thursday.—Mrs. Maybrick returned to Battlecrease. Grand National Races.

March 29th, Friday.—The Grand National Races, which Mr. and Mrs. James Maybrick attended with a party of friends, including Brierley and a Mrs. Samuelson.

On their return home a quarrel took place, at which James Maybrick gave Mrs. Maybrick a black eye, and ordered the housemaid, Bessie Brierley, to call a cab to turn her out of the house; but on Mrs. Maybrick's going into the hall to go, James Maybrick threatened her, and Alice Yapp put her arm round her and coaxed her not to go, but to come upstairs and see the children, which Mrs. Maybrick did, and Alice Yapp made up a bed for her in the dressing-room.

[NOTE.—*Elizabeth Humphreys, the cook, has given me the following account of this quarrel on their return from the Grand National, and Mary Cadwallader confirms this:—*

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"It began in the bedroom. Mr. Maybrick sent Bessie Brierley for a cab to send his wife away. She came downstairs into the hall to go to the cab; he followed her, and raved and stamped like a madman—waving his pocket-handkerchief over his head. The button-holes of Mrs. Maybrick's dress were torn with the way he had pulled her about. She had on a fur cape; he told her to take it off, as she was not to go away with that on; he had bought it for her to go up to London in. I went up to the master, and said, 'Oh, master, please don't go on like this, the neighbours will hear you.' He answered, 'Leave me alone, you don't know anything about it.' I said, 'Don't send the mistress away to-night. Where can she go to? Let her stay until morning.' Then he shouted, 'By heavens, Florrie, if you cross this doorstep you shall never enter this house again.' He became so exhausted that he fell across an oak settle in the hall, and went quite stiff. I did not know whether he was drunk or in a fit. I sent the cab away, and we got Mrs. Maybrick upstairs, and Mr. Maybrick stayed all night in the dining-room."—A. W. McD.]

March 30th, Saturday.—Mrs. Maybrick went to consult Mrs. Briggs, a neighbour—an old intimate friend of her husband's and herself—who took her to consult her own solicitor with a view to bring about a separation on the grounds of his having given her a black eye the evening before, and of there being another woman in the case.

[NOTE.—*Mrs. Briggs's own solicitor had had some experience in drawing up deeds of separation, for he had drawn up her own deed of separation from her husband.—A. W. McD.*]

It is to be remarked that the Crown did not call this solicitor as a witness. Mrs. Maybrick also went to see Dr. Hopper, the family doctor, who went up to Battlecrease House and brought about what he considered a perfect reconciliation, of which there was, according to the evidence of Mrs. Briggs, Alice Yapp, and all the servants, no breach afterwards on either side; and a few days afterwards James Maybrick called on Dr. Hopper to thank him, and say how happy they were together.

[NOTE—**March 31st, Sunday.**—*Elizabeth Humphreys, the cook, and Mary Cadwallader, the parlour-maid, say the same thing, that Mrs. Briggs had come to stay at the house; and in the afternoon—*

"Mr. Maybrick sent me upstairs to Mrs. Maybrick to tell her to come downstairs. Mrs. Maybrick said she would come down directly. He sent me a second time, to say she must come down. Mrs. Maybrick then went down. There was some quarrelling and shouting; and Mr. Maybrick and Mrs. Briggs appeared to me to have both been very much excited. Mrs. Maybrick said something about never having invited any one to the house without Mr. Maybrick's knowledge, and then she went upstairs again. At six o'clock Mary Cadwallader took her up a cup of tea, and finding her lying on the sofa in a faint, called for me. I went up and found she had fainted away, and I thought she was dead. I shook her and called her, and then Mary ran down to Mr. Maybrick, and said, 'Do come and see what's the matter with mistress,' and then Mr. Maybrick and Mrs. Briggs came upstairs. Mr. Maybrick became very affectionate, and cried out, 'Bunny, Bunny, here's your hubby'; and then he

sent me for Dr. Humphreys. It was two hours before Mrs. Maybrick recovered consciousness. We were all frightened and thought her dead. Dr. Humphreys came backwards and forwards four or five times during the night, and as soon as he went away Mr. Maybrick sent for him back again. Mrs. Briggs kept coming down to the kitchen to me for beer, and said she was put out about the quarrel and must have something to keep her up. At about nine o'clock she was half-undressed, and had put on a gown of Mrs. Maybrick's, which was much too small for her, and was standing in this condition when Dr. Humphreys came; and he asked me who that woman was. Mrs. Maybrick remained ill in bed for several days; after this, and at the end of the week, she sent for me into her bedroom, and told me that the cause of the trouble was that she was in debt, and that while she was in London some kind friend—she did not say who it was—had made mischief between her husband and herself about it, that Mr. Maybrick's income was not sufficient for the expenses, but that there was some money coming to her soon which would make it all right; and she asked me to economize all I could without stinting, she didn't want any one to go short; and I promised I would." DIARY.

From the 30th March till the 13th of April, there was nothing happened which is referred to in any way during these proceedings. A reconciliation was made, according to Dr. Hopper's evidence, on James Maybrick undertaking to pay up all debts. Mary Cadwallader, however, informs me that—

"Mr. Maybrick told me, at this time, that I was not to take the letters up to the mistress until he had seen them. All the letters were to be first given to him; he said, 'Your mistress sees all my letters, and there is no reason why I should not see hers.' I asked him whether I should keep the letters that came while he was at the office, and he answered, 'Certainly not.' After this, I used to give Mr. Maybrick the letters. He did not open them, he only looked at them, and then sent them up to the bedroom; but after a few days he did not even look at them, and the letters were sent up to Mrs. Maybrick without his wanting to see them."

The reconciliation was evidently complete. Both Elizabeth Humphreys and Mary Cadwallader retain an affectionate regard for both their late master and mistress, and say they continued to live on perfectly good terms together. That Mr. James Maybrick was of a violent temper, but it used to soon pass off; and he frequently used to tell the servants that they need not mind what he said, that he did not mean it. Mary Cadwallader also says that she never saw any quarrelling, at any time, between Mr. and Mrs. Maybrick, except little differences of opinion, when she used to think Mrs. Maybrick was not always conciliatory. In fact, they describe their life as a thoroughly ordinary domestic life.—A. W. McD.]

April 13th, Saturday.—James Maybrick went up to London to visit his brother, Michael Maybrick, partly for the purpose of arranging some money matters, and partly to consult Michael Maybrick's doctor, Dr. Fuller. James Maybrick's visit to Dr. Fuller.

April 14th, Sunday.—Dr. Fuller called to see James Maybrick at Michael Maybrick's chambers, and makes "an hour's examination of him," and prescribes liver pills and tonics.

DIARY.

April 15th, Monday.—James Maybrick returned home to Battlecrease.

James Maybrick's second visit to London.

April 20th, Saturday.—James Maybrick again goes up to London to visit Michael Maybrick.

April 21st, Sunday.—Again consults Dr. Fuller, who finds him better and alters his prescriptions.

April 22nd, Monday.—James Maybrick returns home to Battlecrease.

Fly-papers.

April 24th, Wednesday.—James Maybrick gets Dr. Fuller's prescriptions made up at Clay and Abraham's, chemists, in Liverpool.

Mrs. Maybrick *about this time* purchased of Wokes, a chemist close to Battlecrease, where she was a regular customer, a dozen fly-papers. The actual date of this purchase was not fixed, Wokes being only able to say that it was not earlier than 15th April, and not later than 25th April; but Mr. Addison selected the 24th April as the date.

About this time (but again no exact date fixed—and, indeed, the date was left in absolute obscurity) Bessie Brierley and Alice Yapp noticed that Mrs. Maybrick was soaking some fly-papers in a sponge-basin in Mr. and Mrs. Maybrick's bedroom. At the Inquest, on the 28th of May—when the matter was freshest in her mind—Bessie Brierley fixed the date as "the Wednesday or Thursday after the Grand National"—that is, the 3rd or 4th of April!

April 25th, Thursday.—Edwin Maybrick returned to Liverpool, having been on a business visit to America since August, 1888.

April 26th, Friday.—A package, containing a bottle of medicine in a cardboard box, came *from London* by post for James Maybrick, which Cadwallader, the parlour-maid, took in and gave to him, and he told her he had been expecting it for some days. She did not notice the chemist's name, nor whether it was Dr. Fuller's medicine. What that medicine which came *from London* was did not transpire at the Trial. It will be remembered that Mr. Maybrick had Dr. Fuller's prescription made up at Clay and Abraham's, in Liverpool, on Wednesday, 24th.

Wirral Races. Vomiting.

April 27th, Saturday.—The Wirral Races, which James Maybrick attended on horseback. Before starting in the morning, he complained of numbness in his legs, and said he had vomited, and he told Cadwallader that he had taken an overdose of the medicine from London which had come by the post the day before. He got wet through at the Races, and went to dine with some

friends "over the water," that is, on the Cheshire side of the Mersey, and did not return home until after the servants had gone to bed. DIARY.

Wirral Races.

[NOTE.—*Dr. Carter, in his article in the Liverpool "Medico-Chirurgical Journal," of January, 1890, says, in reference to James Maybrick having got wet:—*

"The fact of the afternoon, at any rate—I do not remember anything of the morning—of April 27th being very wet is vividly impressed upon my mind by the prolonged delay caused to myself and two other gentlemen in the fulfilment of a professional appointment, owing to the heaviness of the rain."

James Maybrick wet through.

Elizabeth Humphreys, the cook, informs me that his boots were "soaked with wet"; and Cadwallader, the parlour-maid, informs me that—

"On the last day of the Trial, Mr. Cleaver came to Bessie Brierley, the housemaid, in the witness-room, and asked her if she could say whether Mr. Maybrick's clothes were wet on the day of the Wirral Races. *Bessie tossed her head and refused to tell. She said she had given evidence on one side, and she was not going to give any on the other.* Mr. Cleaver remarked that at least she might give him a civil answer."

Bessie Brierley.

Now, as it was Bessie Brierley's business to brush the clothes, I cannot conceive why Mr. Cleaver did not make this young woman "toss her head and refuse to tell, and say she had given evidence on one side and was not going to give any on the other" in the witness-box, instead of in the witness-room!! There was no doubt that James Maybrick did get wet through at the Wirral Races, and that he went to dine in his wet clothes and boots at a friend's on the other side of the water, that friend being Mr. Hobson, of Bamborough, and that he did not go home until late at night—after the servants had gone to bed; and that such a wetting might *have set up* gastro-enteritis. *All this was not disputed by the Crown; but it might have been just as well that the Jury should have seen the demeanour of this "witness for the prosecution"—this girl Bessie Brierley, who, when she was asked in the witness-room by Mr. Cleaver, her mistress's solicitor, whether she could tell anything about her master's clothes being wet, "tossed her head and refused to reply, and said she had given evidence* on one side *and was not going to give any on the other." I think the Liverpool Common Jury would have been well qualified to understand the style of servantgalism, and would have attached a proper value to any of the evidence given by that "witness for the prosecution" at all events. It is remarkable that Mr. Hobson was not called to give evidence. It is also remarkable that Dr. Carter, upon whose mind the heaviness of the rain on the day of the Wirral Races was "vividly impressed," never thought that the illness might be due to his having got wet through!—A. W. McD.*]

Mr. Addison, in his speech for the Crown, said:—

DIARY.

Mr. Addison, Q.C. Case of the Crown. First dose of poison.

"I will call your attention, in the order in which they occur, to the different events between the 27th of April and the 11th of May, because it was between those dates that occurred the serious illness that ended in the death of Mr. Maybrick, on the 11th of May."

This 27th of April, therefore, was, according to the case of the Crown, the date at which Mrs. Maybrick commenced compassing the death of her husband.

Dr. Humphreys first called in by Mrs. Maybrick.

April 28th, Sunday.—In the morning, Dr. Humphreys, the nearest doctor, was sent for by Mrs. Maybrick to see James Maybrick, who had been taken ill. This is the first time that Dr. Humphreys had attended James Maybrick professionally. Edwin Maybrick was not in the house when Mrs. Maybrick sent for Dr. Humphreys in the morning, but was there when Dr. Humphreys called again in the afternoon, and Edwin slept in the house.

Alice Yapp, in her evidence at the Trial, said:—

Q. Do you recollect, on Sunday, the 28th, hearing your mistress's bell violently ring, but it was not your business to attend to it?
A. Yes.
Q. Don't you know, on that occasion, that it was rung violently in order to send for Dr. Humphreys?
A. Yes.
Q. And you knew that, as soon as possible after that time, after the bell was rung, Dr. Humphreys had come, and was in attendance on your master?
A. Yes.

Mary Cadwallader in her evidence said:—

Q. On the 28th of April, do you recollect your mistress's bell ringing violently?
A. Oh, yes.
Q. Was it your business to answer that bell?
A. Not the bell in the bedroom.
Q. Did you answer the bell?
A. No; I did not.
Q. After hearing the bell rung violently, were you sent by your mistress anywhere?
A. She came downstairs.
Q. Before the bell could be answered?
A. Yes.
Q. And sent you for the doctor?
A. Yes.
Q. What time was that on the Sunday?
A. About half-past ten.

White powder.

Dr. Humphreys said, in his evidence at the Magisterial Inquiry (see p. 27), but this was kept back from the Jury at the Trial:—

"On the 28th April Mrs. Maybrick spoke to me again about her husband's habit of taking a white powder, the result of it being that I questioned him upon the effects of strychnine and nux vomica upon himself; and the answer he gave me was, 'I cannot stand strychnine and nux vomica at all;' from which I drew my conclusion that he was not in the habit of taking it. I had two conversations with Mrs. Maybrick, and this is one of them."

Now, I will not suggest that Dr. Humphreys did not know that *nux vomica* is not a white powder, but a brown powder; but why did he question James Maybrick about the effect of this *brown powder*, nux vomica, as a result of the warnings given him by Mrs. Maybrick that her husband was secretly taking "a *white powder?*" DIARY.

Dr. Humphreys, at the Trial, swore that James Maybrick's symptoms on this day were consistent with his having taken some "irritant poison." Why, may I ask, did he treat Mrs. Maybrick's warnings with such levity, if he thought so then? Surely his idea at the Trial that he was suffering from an irritant poison on this 28th of April must have been an after-thought. Dr. Humphreys' symptoms.

April 29th, Monday.—Dr. Humphreys called at ten o'clock in the morning. His evidence was—

"I found him in bed, where he had remained at my request. He did not complain of anything, and all the symptoms had disappeared except the furred tongue. *I made an examination of him*, and arrived at the conclusion that he was a confirmed dyspeptic, and prescribed a dietary for him and gave it to him himself."

On this day Mrs. Maybrick purchased from Hanson, another neighbouring chemist, where she was a regular customer, two dozen fly-papers, and also at the same time had a lotion made up which was not a doctor's prescription. Fly-papers. Cosmetics.

The Crown called Hanson as a witness for the prosecution. His evidence at the Trial as to this lotion was—

Q. What was the lotion which she ordered? What were the ingredients?
A. Tincture of benzoin and elder-flowers.
Q. That is a cosmetic, is it not?
A. Yes.
Q. Is it within your knowledge that arsenic is an ingredient in many cosmetic preparations?
A. It is, Sir, quite common.
Q. I must further ask you, knowing as you have told us, that arsenic was common as an ingredient in cosmetics, is not that mixture of benzoin and elder-flowers a lotion in which arsenic would very likely be used?
A. Yes, Sir, it is.

April 30th, Tuesday.—James Maybrick being much better went to his office to business. On that night Mrs. Maybrick went to a fancy dress domino ball, accompanied by Edwin Maybrick. It was for cosmetics for this ball that she said in her statement to the Jury that she purchased the benzoin, elder-flowers, and fly-papers.

[NOTE.—*The following extract from a letter of Mrs. Maybrick's, which has been entrusted to me, and which was written at the time to her mother, may be usefully set out here. It does not strike me, and*

DIARY. *will scarcely strike my readers, as the letter of a woman engaged in compassing her husband's death!*

"We are asked to a 'bal masqué,' which, being given in Liverpool and the people provincials, I hardly think likely to be a success. A certain amount of 'diablerie,' wit and life is always required at an entertainment of this sort; and as it will be quite a novel innovation people will hardly know what is expected of them. However, we are requested to come in 'dominoes and masks,' and I should like to know how the former is made and if the latter are not procurable in gauze instead of 'papier maché.' I think I read something of the kind in an article about the 'bal masqué' at the Opera in Paris."

There is nothing about cosmetics in this letter, but it shows what special preparations she was making for this ball, and I think my lady readers will not think it necessary to suppose that Mrs. Maybrick, when buying these fly-papers and this lotion of benzoin and elder-flowers, had got any murderous thoughts in her mind!!—A. W. McD.]

Food at office.

May 1st, Wednesday.—James Maybrick went down to his office. Some Barry's Revalenta, which had been ordered by Dr. Humphreys for his lunch, was prepared at the house by the cook, and put into a brown jug. Mrs. Maybrick, herself, wrapped it up (it is the sort of thing my own wife would have done), and asked Edwin Maybrick to take it down to the office. James Maybrick sent his clerk out to buy a saucepan to warm it up in, and he eat it. Dr. Humphreys saw him after business hours and thought him much better. James Maybrick dined at home with Mrs. Maybrick, Capt. Irving, of the White Star Line, and Edwin. He was not so well in the evening.

Captain Irving.

[NOTE.—*It is remarkable that Capt. Irving did not appear in the witness box, especially as it has been stated in the public Press since the Trial that on that occasion Captain Irving saw him take a powder out of his waistcoat pocket and put it in his glass and drink it. Captain Irving having mentioned this to Captain Thompson, 99, Upper Parliament Street, Liverpool, it leaked out, and Pastor Bennett Anderson communicated it on the 22nd of August to the Home Secretary, who required confirmation before taking any steps. In the meantime, Captain Irving being at sea, Captain Thompson wrote to Pastor Bennett Anderson:—*

99, Upper Parliament Street, Liverpool,
2nd September, 1889.

Dear Sir,—In answer to yours of yesterday I beg to state that Captain Irving before he sailed stated that the day he went out to Mr. Maybrick's house to dinner he saw him take two doses of a white powder in the space of fifteen minutes, and that on arrival at the house he was unable to sit at table. I have no doubt but that Captain Irving will confirm this on arrival.—Yours respectfully,

GEORGE THOMPSON.

The representative of the "Liverpool Daily Post" waited on Captain Irving on his arrival, and the following is the report of the interview which appears in its issue of 9th September, 1889 :—

"He met by appointment James and Edwin Maybrick, at the office of the former. They entered into conversation, during the course of which an observation was made by Edwin which elicited from James the remark that he had been unwell after having eaten his lunch, and that he believed the sickness to be due to the bad wine which was in the soup sent to him by his wife. After a while he picked up a glass, which he partly filled with water from a decanter, and then pulled out of his breast pocket a small packet, the contents of which he emptied into the glass, and afterwards drank the whole decoction. Edwin then asked him what was the stuff he had put in the glass, and he answered: 'Oh, some prescription that Clay and Abraham made up for me.' Captain Irving could not definitely say what was the nature of the stuff put in the glass by James Maybrick, but he positively asserted that it was not a white powder, and added that the glass had water in it, and not wine, and that the occurrence took place at James Maybrick's office. He also said that James Maybrick seemed to be much benefited by taking this prescription. It did not at all surprise Capt. Irving to see James Maybrick taking this stuff, because 'everybody knew Jim was always taking some medicine or another.' 'Why his office,' further remarked the captain, 'was more like a chemist's shop than anything else. You saw almost nothing else but medicine bottles—some filled, others emptied—in it.' The three gentlemen afterwards walked to the Central Station, where they entered a train and proceeded to Grassendale, alighting at that station, and thence wending their way to Battlecrease House. They all sat down to dinner there, Mrs. Maybrick being present, and James had some fish and soup, which he appeared greatly to enjoy. He seemed to be perfectly right with regard to health at the time, and showed no symptoms of sickness or illness while Captain Irving, who was there for about three hours, was in the house. In conversing about the trial, Captain Irving led our representative to understand that he quite coincided with the verdict returned by the jury. While the agitation for the reprieve of Mrs. Maybrick was proceeding, Captain Irving, who was desirous of saying as much as he possibly and conscientiously could in her favour, at the request of her solicitors, forwarded to the Home Secretary certain statements bearing on the case, one of which was to the effect that a short while before James Maybrick's death, he met Edwin Maybrick, and said to him, 'What on earth is the matter with Jim?' Edwin replied, 'Oh, he's killing himself with that d——d strychnine.' In relating this incident, Captain Irving told our representative that it was well known that James Maybrick had been in the habit of taking strychnine for years. On a reference being made to the infamous intrigue carried on between Mrs. Maybrick and Brierley, and the rumours that there were other men implicated in the matter, Captain Irving particularly wished it to be stated that he had been in Battlecrease House only on two occasions prior to that already referred to, and that eighteen months had elapsed since he had previously been there. Referring to the tragic end of the deceased gentleman, and the circumstances associated with it, our representative asked the captain whether they had caused him any great surprise. He acknowledged that he was very much astonished at first, but added that he knew all about the matter long before 'you newspaper chaps got hold of it.' He was kept fully informed on it by a mutual friend of his and the Maybricks, and knew about the sickness of the late James Maybrick, and the suspicions that had been aroused concerning it, some time before the unfortunate gentleman died. Captain Irving first made the acquaintanceship of the late James Maybrick in 1878. The deceased gentleman was crossing at the time in the Republic, then commanded by Captain Irving, from England to America, whither James Maybrick was going to

purchase cotton. In the same year his future wife, who was accompanied by her mother, and who was then about sixteen years old, made the voyage from New York to this port in the Republic. After their marriage, Mr. and Mrs. Maybrick several times crossed the Atlantic together in the ship commanded by Captain Irving, who speaks in the highest terms of the deceased gentleman. 'Jim was a mighty good fellow,' he observed to our representative. In speaking of Mrs. Maybrick, however, he was by no means so laudatory."

Now this is a very extraordinary story of Captain Irving's, and his conduct in keeping back this very remarkable evidence until after sentence of death had been passed on Mrs. Maybrick, at whose table he had only a short time before been a guest, does not introduce him very favourably to public notice.

After sentence of death was passed, and while Mrs. Maybrick was lying in the agonies of the shadow of death, Captain Irving appears to have become aware of his duties to humanity, and "while the agitation for reprieve was proceeding," Captain Irving "was desirous of saying as much as he possibly and conscientiously could in her favour," and being so desirous mentioned it to Captain Thompson, and then went off on a voyage. He had not thought of coming forward and doing this in a manly way at the Trial, where he must have witnessed the extraordinary (and unprecedented, I hope, in England) spectacle of every friend Mrs. Maybrick had having deserted her and fled, but it appears that on his return to England, "at the request of her solicitors," he forwarded a statement to the Home Secretary to the effect that—

"A short time before James Maybrick's death he met Edwin Maybrick and said to him, 'What is the matter with Jim?' Edwin replied, 'Oh, he's killing himself with that d——d strychnine.'"

Now, if Captain Irving's statement is true, why have not the Crown taken any proceedings against Edwin Maybrick in reference to the evidence he gave at the Trial?

At the Trial Edwin Maybrick's evidence was that, on Wednesday, the 1st of May, the day on which Edwin Maybrick had taken the lunch down to the office, he dined that evening at Battlecrease, and that the company consisted of Captain Irving, James Maybrick, Mrs. Maybrick, and himself. And as to his brother's dosing himself—

"From time to time he took ordinary liver medicine."

Now when Edwin Maybrick gave that evidence he was on his oath to speak "The truth, the whole truth, and nothing but the truth." and if Captain Irving's statement is true, Edwin Maybrick deliberately suppressed the truth in its most material point from the Jury. But this is not all. At the Inquest Edwin Maybrick also stated on oath—

Mr. Steel: Were you aware that your brother took arsenic?
A. No.

Q. *You don't know what sort of medicine he used?*
A. *Principally liver medicines.*
Q. Did he ever mention to you the name of any medicine that he took?
A. *No; except such medicine as podophyllin.*

And at the Magisterial Inquiry—

Mr. Pickford: Do you know that your brother was in the habit of taking things—medicines—suggested to him by his friends?

A. *Only very occasionally.*

Now if Captain Irving was speaking the truth, and his statement was formally made and sent to the Home Secretary (probably on affidavit)—

"A short time before James Maybrick's death he met Edwin Maybrick, and said to him, 'What on earth is the matter with Jim?' Edwin replied, 'Oh, he's killing himself with that d——d strychnine.'"

If that is true—unless, indeed, we are to assume that Captain Irving is a consummate liar, as well as a deserter of his friend and hostess, Mrs. Maybrick, in her hour of distress—Edwin Maybrick deceived the Jury by a most wilful and deliberate suppression and perversion of the truth, upon a most material point.

This story having been brought to the notice of Edwin Maybrick by the Editor of the "Liverpool Daily Post," Edwin Maybrick telegraphed the following emphatic denial:—

"St. Helens, Isle of Wight.

"Statement absolutely and entirely untrue in every respect. Never saw my brother use any white powder in wine or otherwise in my life."

Now this denial is absolute in every detail. Strychnine is a white powder, and Edwin says he "never" saw his brother take "any" white powder in wine "or otherwise" in his life!!

There never was such a lie direct given to any man, as Edwin Maybrick has here given to Captain Irving, and I have not heard that Captain Irving has taken any steps upon that published statement of Edwin Maybrick.

But that is not all. Captain Irving told the newspaper interviewer that—

"It was well known that James Maybrick had been in the habit of taking strychnine for years."

And he further made a most extraordinary statement, namely, that he—

"Was kept fully informed *by a mutual friend of his* and the *Maybricks, and knew about* the sickness of the late James Maybrick, and the *suspicions* that had been aroused concerning it, some time before the unfortunate gentleman died."

DIARY.

Now who was that "mutual friend?" If Captain Irving did not possess the courage to warn his friend, James Maybrick, himself, or even to take the precaution of trying to save his friend's life, by warning Mrs. Maybrick that she was "suspected," has he the courage now to tell the world who this "mutual friend" was? Was it Alice Yapp, or Mrs. Briggs, or Mrs. Hughes? These are the only three persons who could be spoken of as "mutual friends," so far as the Maybricks are concerned, who entertained any "suspicions." As to one of them, Mrs. Briggs, she stated to the interviewer of the "Liverpool Daily Post," 15th August, while Mrs. Maybrick was lying under sentence of Death!—

"We were in a delicate position, being told not to speak to her [Mrs. Maybrick] about the suspicions which pointed to her."

Now, will Mrs. Briggs say who told her not to speak to Mrs. Maybrick?

This story of Captain Irving's ought not to be left uninvestigated! It ought to be sifted to the very bottom! and before a Jury too, in open Court and not in the parlour of the Home Office.

If this story of Captain Irving's is true, James Maybrick took some powder at the office on that very Wednesday, the 1st of May, when Edwin Maybrick took the lunch down to the office.

A. W. McD.]

May 2nd, Thursday.—James Maybrick went to his office and took down his lunch, which had been prepared for him by the cook in the same way, and eat a little of it. He returned home complaining of being ill.

Edwin Maybrick in his evidence at the Trial said: "*The only days on which food was taken to the office were Wednesday, May 1st, and Thursday, May 2nd.*"

Dr. Carter, date of fatal dose.

May 3rd, Friday.—This is an important day, because it was this day which Dr. Carter fixed as the day when *the fatal dose was administered.* Mr. Maybrick went to his office, and lunch was again prepared for him by the cook, in the same way, *but he did not take it down to the office with him.* Dr. Humphreys saw him at 10 o'clock in the morning, and gave him permission to have a Turkish bath, which he did have. At midnight Mrs. Maybrick sent to Dr. Humphreys to come to her husband, who had been taken very ill, and was suffering "a gnawing pain from the hips down to the knees."

His evidence at the Trial was:—

Q. That is the seat of the great sciatic nerve?
A. It is.

Q. Do you know that he had taken the Turkish bath spoken of in the morning. Did you connect his symptoms in any way with the bath? DIARY. Turkish bath.

A. I did.

Q. In what way?

A. I thought it might have been caused by an excessive jack-towelling and rubbing.

Q. He was sick twice after he had had the Turkish bath?

A. Yes, but I did not connect the two incidents.

Dr. Humphreys administered morphia by introducing a "morphine suppository to the lower end of the bowels instead of swallowing." He said there was a quarter of a grain in one of them, which had been prescribed for Mrs. Maybrick at one time or another!!

May 4th, Saturday.—Dr. Humphreys said in his evidence at the Trial:—

I saw Mr. Maybrick early, and found that the pain had passed away. But there were other symptoms, and he was sick and vomiting. *He could retain nothing on his stomach, and that was a common result of morphia. I advised deceased to take nothing at all, but to abate his thirst by washing out his mouth with water, or by sucking ice or a damp cloth, but to take nothing else.* I prescribed also some ipecacuanha wine for allaying the vomiting. I saw him again on the same day, but do not recollect the visit. Vomiting

Q. How do you describe him on the Saturday?

A. He could retain nothing on his stomach except a little water.

Q. Do you attribute it [the sickness] to the morphia?

A. I do.

May 5th, Sunday.—Dr. Humphreys saw him in the morning.

Q. You considered he was getting worse?

A. No, I can't say that. On the whole, he was rather better. . . . I changed his medicine because he had not made the improvement I had expected. I prescribed again prussic acid from the bottle which he had not finished the previous week.

In reference to Dr. Humphreys's peremptory orders that James Maybrick was not "to take anything at all, but to abate his thirst by washing his mouth out with water, or by sucking ice or a damp cloth, but to take nothing else," the following evidence of Elizabeth Humphreys, the cook, must be referred to:— Lemonade incident.

"On Sunday, the 5th of May, my master recognised me the moment I entered the room, and he called me to him. I asked him how he was, and he replied that he was very sick and wanted a drink of something. He then requested me to get him some lemonade, with a little sugar. He said he wanted a good drink to rinse his mouth out with. He also said, 'I want you to make it as you would for any poor man dying of thirst.' He then told me how to make the lemonade—to cut up a lemon in slices and put a little sugar in. Mrs. Maybrick, who was in the room, offered him some lemon juice; but he said he did not want lemon juice in a glass, but lemonade from the kitchen. His wife thereupon replied, 'You cannot have it except as a gargle.' I then asked the master if he would like anything—lemonade, lemon jelly, or barley

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Lemonade incident.

water, and he replied that he would like anything of the sort. Mrs. Maybrick did not say anything at that time, but immediately afterwards she said it was no use making anything, as he could not take it except as a gargle. I made some lemonade and took it up to Mr. Maybrick, going to the right side of the bed, but Mrs. Maybrick took the lemonade from him and put it on the washstand on the left side of the bed, and she said to him, "You can't have it, dear, except as a gargle,' and he replied, 'Very well,' but he looked very wistfully after the glass as his wife took it away from him, as though he would like to drink it. I then left the room, and the deceased had none of it while I was there."

[NOTE.—*The above incident has been made use of as a matter of prejudice against Mrs. Maybrick—indeed a Spirit of Lying is abroad—and there appeared in the "Liverpool Courier," of 29th January, an anonymous letter signed "Antifiction," Spencer Street, Liverpool, referring to the following incident, in which the writer says of this lemonade incident:—*

"This confiding innocent wife could snatch from the hand of the nurse the lemonade that was to quench the parching thirst of her 'darling' husband while in the agonies of death."

The writer of that letter, of course, adopted an anonymous signature, though when throwing stones at a woman locked up in gaol and unable to defend herself, the writer of that letter need not have been so cautious as to sign anonymously.

I think my readers will look upon this lemonade incident in a very different light, as a proof in fact which makes itself manifest to everyone, that Mrs. Maybrick could not have had any such thought as compassing her husband's death on that Sunday morning, when Dr. Humphreys had the day before ordered him—

"To take nothing at all, but to abate his thirst by washing out his mouth with water, or by sucking ice or a damp cloth, but to take nothing else."]

The graphic description given in that evidence of Elizabeth Humphreys of a wife attending a sick husband's bed who was craving for something to drink, but which the doctor had given such peremptory instructions he was not to have, and the *cook* coming up to the bedside, pitying his sufferings but with mistaken kindness, and tempting him to drink lemonade, and the wife protecting him and taking the lemonade away, and putting it on the washstand out of his reach, is an incident *too natural* for even the Lying Spirit to assail. If any such thought as compassing her husband's death was even crossing the mind of Mrs. Maybrick on that Sunday morning the 5th, she would not have interfered with this cook, but let her administer that draught of lemonade, which might be presumed, from the peremptory orders of Dr. Humphreys, would have a fatal effect!

Dr. Humphreys said in his evidence:—

"If Mrs. Maybrick had said that her husband was not to take any drink, except as gargle, she was carrying out my orders, except as to a very small quantity of it."

That lemonade incident can only convey to my mind one idea, and that is, that *whether Mrs. Maybrick loved her husband or not, she was solicitously tending him on his sick bed.* Her conduct on that occasion, to my mind, was the conduct of an innocent woman, and absolutely inconsistent with that of a woman who was engaged in compassing her husband's death, or with one across whose mind any thought of doing injury or unkindness to the sick man could have been passing. Lemonade incident.

[NOTE.—*It is a very doubtful question whether Dr. Humphreys was right in ordering for his patient such a Treatment of Torture as denying him anything to drink when he was craving for it. Such a treatment is inherently cruel and can only be justified by absolute necessity—and it is one which some medical men, at all events, dissent from, as a necessity in any case—for example, to quote the authority of Drs. Spencer Thomson and H. H. Smith.*

"There appears to be almost a superstitious fear with many of allowing the sick to 'drink cold water,' and many a sufferer regards most gratefully the unlimited permission of the Medical Attendant to take it freely, after it had perhaps been begged for, but withheld by mistaken friends. There are few safer prescriptions, none perhaps which may be more freely carried out by unprofessional persons, than the unrestricted allowance of simple, unstimulating drink, in all acute diseases in which thirst exists, and especially if fever be present."

And I can myself recall a circumstance where the denial of water to a sick man, when craving for it, was shown to be, not only not a necessity, but a mistake. Some thirty-five years ago I was in Jamaica where there was a most virulent epidemic of cholera, and the treatment then in vogue for cholera was to deny those that were attacked with it, any water to drink, though they usually craved for it. A young friend of mine was attacked with cholera, and after the doctor had given him up and said that death was imminent, I, in pity for my friend's sufferings, yielded to his entreaties for some cold water and gave him the wash-hand jug, which was near at hand and he drank nearly the whole of the water in it,—and mark this! he recovered. *This incident has a special bearing on Dr. Humphreys' Treatment of James Maybrick (if we are to assume that he was really suffering from arsenical poisoning) because Dr. Humphreys in his evidence at the Magisterial Inquiry said:*

"The symptoms of arsenical poisoning as described in books not in my own knowledge depend entirely upon the dose. If a large dose you will have all the symptoms of cholera."

It would be interesting to know what books have taught Dr. Humphreys this.

A. W. McD.]

Dr. Humphreys further said in his evidence as to this Sunday, 5th of May:—

"I saw deceased again on the Sunday, but did not notice anything particular about him."

Edwin Maybrick's evidence as to this Sunday, 5th of May, was :—

"I did not see the deceased on Friday or Saturday, nor on the Sunday till two o'clock. I went out to the house and found him in bed."

Q. What did he say to you?

A. He said he had been very sick, and could not retain any food in his stomach, liquid or solid.

Q. Did you do anything that afternoon?

A. *Yes. I gave him a brandy and soda.*

Q. What happened to him then?

A. He retained it all right for about half an hour, and then as I was giving him a dose of physic he vomited it. He was very sick all that afternoon.

Q. And I think Dr. Humphreys came on that afternoon?

A. Yes.

Q. *Was his eating and drinking then stopped by Dr. Humphreys's orders?*

A. *Yes. He said he had better not take anything to eat or drink at present, and if he were thirsty he was to have a wet towel put to his mouth.*

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Edwin Maybrick. Brandy and Soda.

Now, why did Edwin Maybrick take it upon himself to give his brother a *brandy and soda* in such circumstances? It was an outrageous piece of presumption on his part, and might have caused his brother's death!

Was it because he saw his brother suffering from thirst, and taking pity on his evident sufferings, did he, like Humphreys, the cook, yield to his craving for something to drink?

I press this question. A similar question was pressed very hard against Mrs. Maybrick, when she said, in her statement to the Jury, that, seeing his evident distress, she had "consented" to the urgent entreaty of her husband to give him a "powder" he craved for. Unlike, however, Edwin Maybrick, who, without the slightest care or thought of the consequences, gave him the "brandy and soda," notwithstanding the positive orders of Dr. Humphreys, that he was not to drink anything—Mrs. Maybrick, though she *consented*, and though she put the powder into the Valentine's Meat Juice, as he asked her to do, did not give it to him, but put the bottle of Valentine's Meat Juice on the washhand-stand, where he could not see it, so that he should not be tempted with it. Moreover, Dr. Humphreys, instead of forbidding him to take his white powders, had treated as a joke Mrs. Maybrick's anxiety about them. Edwin Maybrick, moreover, had only just returned from America, and had seen very little of his brother, but without the slightest hesitation he gave him a "brandy and soda"! Which of these two persons showed the greater solicitude for the sick man? Mrs. Maybrick or Edwin Maybrick? Which of these two had the greater right to nurse her husband, Mrs. Maybrick or Edwin?

May 6th, Monday.—Dr. Humphreys' evidence on the Trial was—

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"I saw him on Monday, 6th of May, at 8-30 in the morning, and his state was then somewhat similar, but he still complained of his tongue very much. Some of the Valentine's extract of meat had been taken, but it did not agree with the deceased, and it made him vomit. I do not remember him vomiting in my presence, but he complained of it. *I told the deceased to stop the Valentine's Meat Juice, and said I was not surprised at its making Mr. Maybrick sick, as it made many people sick.* I also stopped the medicine (prussic acid), and *gave the deceased some arsenic.* It was Fowler's solution. I saw him in the evening, and ordered him some *Baines's beef tea, some chicken broth, Neave's Food, and some milk and water.*"

Dr. Humphreys. Valentine's Meat Juice (see *post*).

Dr. Humphreys did not say whether these things were to be mixed together, and "well shaken before taken," nor did it appear whether his patient had taken these things; but in cross-examination Dr. Humphreys said—

Q. You advised that he should take no food. For how long did that continue?

A. It continued until Monday forenoon.

Q. From the Friday [May 3rd], about twelve o'clock, up to the Monday—about what time?

A. I cannot say, but it was somewhere after half-past ten o'clock.

Dr. Humphreys also said—

"On Monday night I recommended the application of a blister to the stomach, thinking it would put an end altogether to the vomiting. *I had seen two samples of the vomiting.* One was greenish, bilious-looking, and the other was yellowish."

Let me remark here, that if on this Monday, the 6th of May, the idea had occurred to Dr. Humphreys that the symptoms were consistent with *irritant poison*, why did he not examine the vomit? It is surely the very first thing a medical man would do! He had been warned on two different occasions previously that James Maybrick was in the habit of taking a "white powder." He had questioned the patient himself, a week before, as to the effect of strychnine and nux vomica upon him. Now, if Dr. Humphreys had thought on this Monday, the 6th of May, that his patient's sickness was consistent with his having taken some "irritant poison," why, in the name of common sense and ordinary medical practice, did he not examine that vomit, which would have told him at once whether *irritant poison* was the cause of the sickness?

It appears from Dr. Humphreys' evidence that James Maybrick had been taking some Valentine's Meat Juice, which, as it made him sick, he had ordered him to discontinue. *Now, what became of that bottle of Valentine's Meat Juice?* I put this question now, because, when I come to deal with the Valentine's Meat Juice incident I shall want to earmark these bottles.

The only bottles of Valentine's Meat Juice found in the house, and produced by the police, are thus described in the printed list—prepared by the police and used at the Trial—of articles handed to

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the analyst, and signed by Mr. Davies as received by him (see Appendix B) :—

"14 May. No. 7. Found in Mrs. Maybrick's dressing-room by Inspector Baxendale—Meat extract."

Valentine's Meat Juice (see *post*).

Now that is a most inaccurate description. This bottle was not found by Inspector Baxendale at all. It was found in the dressing-room leading out of the bedroom (which, as it was used by Mr. Maybrick as his dressing-room, is unfairly described as Mrs. Maybrick's dressing-room) by

Michael Maybrick,
Edwin Maybrick,
Mrs. Briggs, and
Mrs. Hughes,

on Sunday morning, the 12th of May (the day after death). This bottle was a half-used bottle, and was analysed by Mr. Davies, *who found no arsenic in it.*

The other bottle of Valentine's Meat Juice is thus described in the printed list of the police used at the Trial—

"List of bottles, &c., found in the sitting-room at Mr. Maybrick's house on the 18th of May, 1889, by Inspector Baxendale."

"No. 7. Bottle of brandy received from Mr. Edwin Maybrick was removed from the sick room at the same time as the poison. Bottle of Valentine's meat juice has been tampered with."

Now this is simply an outrageous misdescription. The bottle of brandy was not (as will be presently seen) removed from the sick room *at the same time!* and the bottle of Valentine's Meat Juice was not found in the sitting-room by Inspector Baxendale on the 18th of May! And what right had the police to prejudice the case by handing up to the Jury a printed list containing such an expression, "Has been tampered with"? This is the half bottle of Valentine's Meat Juice, which was handed to Dr. Carter on Friday, the 10th, by Michael Maybrick, who represented that it was the bottle which Mrs. Maybrick took into the dressing-room on the night of Thursday, the 9th, in which she said, in her statement to the Jury, she had put "a powder" at the request of her husband. This is the half bottle which Dr. Carter handed to Mr. Davies, the analyst, on Saturday, the 11th, and in which Mr. Davies, on the 23rd of May, discovered half a grain of "arsenic in solution." These two are the only bottles of Valentine's Meat Juice found in the house; and I merely want, at this stage, to *earmark* them. I shall deal at length with the Valentine's Meat Juice incident at a later stage.

May 7th, Tuesday.—Dr. Humphreys, in his evidence at the Trial, said—

"On Tuesday I saw Mr. Maybrick in the morning, and he appeared better. He said, 'Humphreys, I am quite a different man altogether to-day, after you

put on that blister last night.' He was constantly complaining of the offensive feeling of his mouth. I advised him to wash his mouth with Sanitas, to clear it. He was able to retain a tablespoon of food every hour."

And in cross-examination he said—

Q. You saw him on Tuesday, the 7th?
A. Yes.
Q. I will read you this, and you can remember it [from Dr. Humphreys evidence at the Inquest]: He was able to retain a pretty good quantity of fluid food without being sick, but still complaining of a tickling in his throat?
A. That is so.
Q. And these are the only things of which he then complained?
A. Yes.

Dr. Humphreys, in fact, appears to have gone on his way rejoicing, perfectly self-satisfied with his treatment of his patient, and that the *blister* had made "a different man of him altogether." Mrs. Maybrick, however, was not satisfied with Dr. Humphreys, and she telegraphed to Edwin, at his office, to send out another doctor.

Edwin Maybrick's evidence was:—

"Whilst in town I received a telegram from the prisoner, but I have not got it with me—it is at my rooms. I telegraphed to Doctors Carter and Humphreys, and, on arriving at Battlecrease by the 4-45 train, I met the doctors there, and *told them what I knew of my brother's condition.*"

And in cross-examination:—

Q. Dr. Humphreys was in sole attendance upon him up to Tuesday, 7th?
A. Yes, as far I know.
Q. And on Tuesday, the 7th May, Dr. Carter was called in, and he and Dr. Humphreys were in attendance upon the patient up to his death?
A. Yes.
Q. Do you recollect, on Tuesday, Mrs. Maybrick suggesting that you should send your own medical man?
A. She telegraphed me, suggesting that Dr. McCheane, the medical man of a friend of mine, should be sent for. Dr. McCheane did not go out as a rule, but held consultations. Mrs. Maybrick had heard me mention the name to his brother James, and that is how she came to know the name.
Q. You went to Dr. Carter?
A. Yes.

Dr. Carter called in to consultation.

Dr. Carter, who was entirely unknown to any member of the family, and who said, in his evidence at the Trial, that he was called in—

"In consequence of my position in the town."

arrived at Battlecrease House at 5-30 p.m. As his evidence of how he found the patient, given on three occasions—Inquest, Magisterial Inquiry, and Trial—does not agree in some material particulars, I shall refer to it as given on each occasion.

Inquest:—

"He was in bed. Dr. Humphreys came immediately afterward, before I went into the bedroom. I found Mr. Maybrick complaining of feeling some-

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Dr. Carter.

Symptoms.

what weak, very thirsty, and especially complaining of a bad sensation in his throat. He complained of a very bad taste in his mouth, and especially alluded to that *he told me he had been suffering from vomiting and diarrhœa for some days.* Those were all his complaints. I examined him: the lungs and brain were sound. *I was told the vomited matter had not been retained.*"

Magisterial Inquiry :—

"*The patient complained of having suffered from vomiting and diarrhœa.* He said he had a very bad taste in his throat, and was very thirsty, and had a feeling as if there was a hair in his throat. *I asked to see the vomited matter but none could be obtained.*"

At the Trial—

"I was telegraphed for at 5-30 on Tuesday, the 7th of May. I saw the deceased at Battlecrease House, Dr. Humphreys being there, and taking me to the bedroom he said deceased had been *suffering for some days from vomiting* I made a slight correction in the sequence of the symptoms. *Diarrhœa was just appearing.* His principal complaint was of extreme dryness and irritability in the throat, of a sensation as if a hair was in it, and the extremely foul taste which he had in his mouth. He was restless during the examination. *He said he had been vomiting for several days. I saw the vomited matter and other excretions.* After consultation with Dr. Humphreys, I concluded that the deceased was suffering from *acute dyspepsia resulting from indiscretion of food or drink, or both.* Acute dyspepsia would include the result of such irritants as we thought deceased had been suffering from. We did think deceased was suffering from some irritant, and the symptoms were such as to indicate that in the absence of disease in any other organ, *they were such symptoms as migh be produced by an irritant poison.*"

Q. What did you prescribe in addition to the medicines? Did you prescribe chicken broth, milk, and lime water?

A. Yes, with Neave's Food and lime water at longer intervals.

And in cross-examination Dr. Carter said—

Q. According to your reading, how soon after administration of arsenica poisoning do you expect *diarrhœa* to set in?

A. Varying from hours to days.

Q. Ordinarily?

A. I cannot say to that.

Q. Is not the ordinary condition of things that *diarrhœa* sets in within two hours after the administration of arsenic?

A. I am inclined to think not, but I speak from reading.

Q. You are aware that in this case Dr. Humphreys has told us that *it set in on Thursday, the 9th.*

A. *I said I noticed something on the 7th.*

Q. Do you desire to express any difference from Dr. Humphreys as to what I have told you?

A. *I noticed something on the 7th*, and it gradually increased. As I understand, I take Dr. Humphreys, of course, to be correct, but I make that statement within my own personal knowledge.

Diarrhœa.

Now, *diarrhœa* is one of the most important symptoms of arsenical poisoning. I do not propose to go into any discussion of any disputed questions of science as to which "doctors disagree," but I may say there is no dispute on this point—that *diarrhœa* is one of the most prominent symptoms of arsenical poisoning, and

vomiting is another. They are, of course, common symptoms of illness, and are familiar symptoms in every household; and therefore, simply because a man is suffering from diarrhœa and vomiting, there would have been no reason for Dr. Carter or Dr. Humphreys to have supposed that it was caused by arsenical poisoning. On the other hand, if a man was suffering from arsenical poisoning, both *diarrhœa* and *vomiting* are among the most prominent symptoms which follow, and generally immediately, the administration of arsenic.

DIARY.

Dr. Carter.

Dr. Carter, who had not seen the patient until this Tuesday, the 7th, in his evidence at the Trial, fixed the *3rd of May* as the date when *the fatal dose of arsenic* had been given, and his reason for fixing that date is thus given in his evidence at the Trial—

Fatal dose.

"I judge that the *fatal dose* must have been given on *Friday, the 3rd*, but a dose might have been given after that. When he was so violently ill on the Friday, I thought it would be the effects of the fatal doses, but there must have been subsequent doses."

In cross-examination he was asked—

Dr. Carter's experience.

Q. *Have you ever before attended a patient as to whom it was alleged that death had resulted from arsenic?*

A. *Not death.*

Q. You were asked to give your opinion as to when the *fatal dose* was administered, and you fixed Friday, the *3rd of May*. I want to know why you fixed that date?

A. *I had that date on my mind.*

Q. Now, what was the great illness that you refer to on Friday, 3rd?

A. I was told that he was unable to retain anything in his stomach for several days.

Sir Charles Russell remarked upon that—

"That, I am afraid, does *not fit in* with the other evidence, but it does not matter at present."

Well, I do not know why Sir Charles said it did not matter at present. My readers have this diary before them, and I remind them that on this Friday, the 3rd, Mr. James Maybrick was fairly well, that he went to his office, that he had a Turkish bath, and that it was not until midnight of that Friday that he was taken seriously ill. But what will my readers think of the presumption of this doctor, who had never before attended a patient who had died of arsenic, and who had never even seen Mr. James Maybrick until this Tuesday, the 7th, taking upon himself on such grounds as he has given to dogmatically fix the 3rd of May as the date of the fatal dose, because "he had that date on his mind," and because he said some one had *told him* of the serious illness on that Friday, the 3rd, that he was unable to retain anything in his stomach for several days?

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Dr Carter.

Dr. Carter, at the Inquest, said of the *diarrhœa* that James Maybrick told him on this Tuesday, the 7th, that—

"He had been suffering from vomiting and diarrhœa for some days."

Then at the Magisterial Inquiry, he dropped the "for some days."

"The patient complained of having suffered from vomiting and diarrhœa."

But at the Trial, when brought face to face with the evidence of Dr. Humphreys, who had been attending the patient all through—

Q. You are aware that in this case Dr. Humphreys has told us that it set in on Thursday, the 9th?

and when asked whether he differed from Dr. Humphreys, he said—

"I *noticed something* on the 7th, and it gradually increased, as I *understand*. I take Dr. Humphreys, of course, to be correct, but I make that statement within *my own personal knowledge*."

Diarrhœa.

Who was it who gave Dr. Carter to understand that diarrhœa had gradually increased from the something he says he noticed on the 7th? Dr. Carter did not see the patient again until the afternoon of the 9th. Dr. Humphreys, on the other hand, was regularly attending him, and his evidence is that the *diarrhœa set in on the 9th!*

Then, again, Dr. Carter said at the Trial that on this Tuesday, the 7th May—

"I saw the vomited matter and other excretions;"

while both at the Inquest and at the Magisterial Inquiry, he said that none had been retained!!

At the Trial, again, he said that "he had examined the patient and found the organs healthy," and that on this Tuesday, the 7th, after consultation with Dr. Humphreys, he concluded that the symptoms, in the absence of disease of any of the organs, were such as might have been produced by an *irritant poison*.

If that was the conclusion of these two doctors on this Tuesday, the 7th of May, why, in the name of common-sense and ordinary medical skill, did they not make the closest examination of the "vomiting and other excretions" to discover what the *irritant poison* was, which might have produced the symptoms they observed in the patient?

NOTE—*Dr. Carter wrote an article in the "Lancet" of the 21st September*, 1889, *to explain and justify himself, and he followed that up by writing an article in the "Liverpool Medico-Chirurgical Journal" of January*, 1890, *in which he explains himself still further, which he says he does in answer to some medical critic who had pointed out that his diagnosis of James Maybrick's illness was "as innocent of poisoning as snow is white" until Alice Yapp made*

a diagnosis for these doctors and suggested poisoning, and Dr. Carter is particular in quoting from this medical critic some words which he thinks the critic used as "a compliment to one of us," viz:—

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Dr. Carter.

"And this with one of the acutest physicians in the kingdom making observations."

I should not have quoted those words of the critic, because I agree with the charitable character portrayed in Tennyson's "Sea Dreams" about satire—

"I loathe it; he had never kindly heart,
Nor ever cared to better his own kind,
Who first wrote satire with no pity in it,"

But as Dr. Carter has quoted his medical critic's remark about "one of the acutest physicians in the kingdom," and thinks it must be meant as a compliment either to himself or Dr. Humphreys, perhaps it is not satire!—and perhaps Dr. Carter is "one of the acutest physicians in the kingdom;" but if so, why did he wait until Michael Maybrick whispered "suspicions" in his ears before examining the evacuations to see what the "irritant poison" was which he said he had come to the conclusion on this Tuesday, the 7th of May, might have produced the symptoms which he then saw? An acute physician would not, I should imagine, usually require some one to whisper "suspicions" in his ears before forming a diagnosis, on the 7th of May, of such an illness as arsenical poisoning, the "fatal dose" of which had been given on the 3rd of May!

LIVERPOOL MEDICO-CHIRURGICAL JOURNAL.

Dr. Carter's Article in "Liverpool Medico-Chirurgical Journal."

"My relation with the late Mr. Maybrick commenced on May 7th, 1889. While visiting my patients in the Royal Southern Hospital early in the afternoon of that day I received a telephonic message from an unknown speaker, asking me if I could go at once to No. 6, Riversdale Road, Aigburth, to see a gentleman in consultation with Dr. Humphreys. I replied that I could not do so, as I should be engaged for some hours; I was then asked when I should be at liberty, and on my naming half-past five, was further asked if I could meet Dr. Humphreys at that hour. I replied in the affirmative, and then obtained the patient's name, Mr. James Maybrick—a name which, as far as I can remember, I had never heard before. I did not ascertain until my visit to the house that it was Mr. Edwin Maybrick who had spoken to me, and whom I then saw for the first time in my life—the entire family having been until that day absolutely unknown to me.

"From the notes entered from day to day in my case-book I described before the Coroner and at the Trial the condition presented by the patient on the occasion of my first seeing him and each day subsequently until his death. I will now repeat what was then said, with one or two additional circumstances. The account given to me of the onset of his illness, on which account and on the signs and symptoms observed by myself, my first judgment was formed, was to the effect that Mr. Maybrick was a nervous man, very much in the habit of taking medicine, though on the whole enjoying good health until his present illness, which had commenced with a serious attack of indigestion, while he was dining at a friend's house, after having attended the Wirral races on April 27; that after a few days' treatment he had become sufficiently relieved to admit of his going to his place of business, but

DIARY.

Dr. Carter's Article.

that he was not well enough to resume his ordinary diet, a mid-day meal, prescribed by Dr. Humphreys, being sent to him from his home and warmed at his office; that on Friday, May 3rd, this food, from having as he thought been made with inferior sherry, had reinduced the gastric disorder—that was all. I did not know until much later that Mr. Maybrick had vomited on the morning of the races, and that he had attributed that vomiting to an overdose of some aperient medicine. I was informed that he was poorly at the dinner-table, that he broke some of the table glass, and was distressed lest his friends should have thought him intoxicated. On going to the patient's bedroom I saw, lying on a bed, a somewhat fair-complexioned man of about fifty years of age, of slight but muscular build, who informed me that he had been suffering so severely from vomiting that for an entire day not even a drop of water could be retained; but that the vomiting was passing away, and that what mainly distressed him was intense thirst, a sensation as of a hair in his throat which he was compelled to make incessant efforts to get rid of, and a bad taste in his mouth, which he more than once described as being 'foul as a midden.' On examining his tongue I found it furred, but the breath quite sweet, and on my remarking on this contrast, a young lady who was sitting at the window, and who I afterwards found was the patient's wife, said that 'It was so, that his breath was quite sweet, though his tongue was so bad.' The patient himself stated that nobody had ever been able to clean his tongue. I then examined his throat in a good light, and found the mucous membrane red, dry, and glazed. He complained very much of the throat, and especially of the 'hair' in it, and begged that some relief might be given to him. The other organs were then carefully examined, and found to be healthy. On raising the shirt I unwittingly caused him pain, by rubbing a freshly blistered surface on the epigastrium, but could elicit no pain on pressing over other parts of the abdomen. There was no complaint of cramps in the calves or conjunctivitis. He was very restless during the examination, mainly owing to an uncomfortable sensation in his throat, to which he several times referred. He jerked himself about and occasionally kicked the clothes off. His urination was very free, a copious discharge of what had every appearance of being normal urine being pointed out to us in a chamber vessel in the bedroom. *We were told that the bowels were loose, and we retired to a neighbouring bathroom to examine a motion which had been retained for our inspection. It was copious, loose, and, as I remarked at the time, not unlike that of typhoid fever.* It contained neither blood nor mucus.

"I have sketched the clinical picture. What had caused the illness? After careful deliberation, after many inquiries as to Mr. Maybrick's habits of life, and as to whether he was known to have taken any food or drink that might have upset him on the day of the races (the Wirral races, 27th April), we came to the conclusion that the irritation had been most likely originally caused by some grave indiscretion of diet away from home. What the indiscretion consisted in we were unable to tell; but while it did not enter into our minds that he was being feloniously poisoned, it certainly did not occur to us that the disease had arisen idiopathically. Something introduced from without had caused it, and that something had been introduced recently.

. . . . . .

"*Mrs. Maybrick and Mr. Edwin Maybrick were the only persons we saw, and the information I have given was the only information we received.* On such evidence as was alone at that time forthcoming, a diagnosis of arsenical poisoning seems to me to have been impossible.

. . . . . .

"As I have stated elsewhere [*Lancet*], not only were the early symptoms of such a character as to seem in themselves capable of an innocent interpre-

tation, but there was nothing in any of the circumstances surrounding the case to suggest to us, who were strangers, the possibility of guilt. Husband and wife seemed to be on affectionate terms with each other, and *not only did the illness commence, as was believed, away from home*, but under just the kind of conditions likely to induce dyspepsia first and aggravate it afterwards, viz., at a late dinner after the excitements of a race, on a day of very variable temperature, and broken by heavy and cold rains. A grave error of diet, such as we thought had been probably committed, would, we considered, be more likely to act prejudicially than if the patient had been quietly pursuing his ordinary avocations and taking his dinner at home."

Now this is Dr. Carter's explanation of why he did not see anything in the symptoms pointing to arsenical poisoning until Michael Maybrick filled him with suspicions about adultery and arsenic. If Dr. Carter could not diagnose a case of arsenical poisoning without the aid of a suggester of suspicions I do not think his critic could really have meant to describe him seriously as "one of the acutest physicians in the kingdom." I took it for satire!

Now, Dr. Carter says that all the information he received was from Mrs. Maybrick and Edwin Maybrick, and Edwin Maybrick said in his evidence that he gave Dr. Carter all the information he could. Keeping this in mind, how is it possible to reconcile the statement by Dr. Carter that—

"The account given to me of the patient and of the onset of the illness, &c., my first judgment formed was to the effect that Mr. Maybrick was a nervous man, *very much in the habit of taking medicines?*"

How can Edwin Maybrick's evidence at the Trial to the effect that he did not know that his brother was very much in the habit of taking medicines be reconciled with this information given to Dr. Carter on this Tuesday, 7th May?

Dr. Carter did not derive any information from Mrs. Maybrick. All the information he obtained was from Edwin Maybrick, who said in his evidence: "I told them (Dr. Carter and Dr. Humphreys) all I knew of my brother's condition."

It is plain that Dr. Carter did not get any information from Mrs. Maybrick, because he said in his evidence at the Inquest:—

"I never spoke to her except on the first day (the 7th), and then I did not know who she was. I never saw her again. I certainly never spoke to her except on the first day, so as to give general directions, with Dr. Humphreys, as to giving food."

In fact, Dr. Carter took her, I suppose, for a nurse. It is a very odd story.

Again, Dr. Carter says—

"Not only did the illness commence, as we believed, *away from home*," &c.

And how can this be reconciled with Michael Maybrick's statement that his brother was able to eat ordinary food away from home, but that his falling ill when he got home on several occasions had been a matter of remark? Michael Maybrick was in London. Edwin

DIARY.

Maybrick was there. Edwin Maybrick could not have known about any such remarks being made. Now, if made at all, who made them to Michael?—A. W. McD.]

Birthday of suspicions.

May 8th, Wednesday. This is perhaps the most important day of all. It is the birthday of the suspicions, and the Trial of Mrs. Maybrick was essentially a trial of suspicions instead of Murder by Arsenic. I shall at a later stage endeavour to trace the "genesis" or birth of these suspicions, and endeavour to discover the parents of them, and consider the conduct of the suspecting persons. The suspicions themselves—a horrible progeny which were born on this day—were twins. The first-born was "Suspicions of Arsenic"—it was born in the early morning; the second-born was "Suspicions of Adultery"—it was born in the afternoon; and the only persons in the household who nursed them were—

The suspecting five.

Alice Yapp,
Michael Maybrick,
Edwin Maybrick,
Mrs. Briggs, and
Mrs. Hughes.

Dr. Humphreys' evidence at the Trial, as to the occurrences on this Wednesday, the 8th of May, was—

Q. Did you see him on Wednesday, the 8th of May?
A. Yes.
Q. Did you send any telegram about a nurse?
A. Yes; *about 9 o'clock in the morning.* Mrs. Maybrick asked me to telegraph to Mrs. Howell, her nurse, who had been with her in her confinements, to come to attend on her husband, as she was getting tired herself. I had no other conversation beyond that. I went to a telegraph office, and sent a message to the nurse at Hazlewood, signing no name, but saying that Mrs. Maybrick would like to have a nurse.

It is a remarkable circumstance that nothing transpired during the proceedings as to whether this nurse came or not.

[NOTE.—*At 9-37 a.m., Mrs. Maybrick sent a telegram to her mother in Paris, "Jim very ill again." I have this telegram in my possession.—A. W. McD.*]

Mrs. Briggs.

Mrs. Briggs' evidence at the Trial was:—

"I went to Battlecrease House on Wednesday, the 8th of May, and I saw Alice Yapp there, who made a statement to me. I went upstairs to the patient's bedroom, and I was closely followed by Mrs. Maybrick. He tried to tell me his symptoms—he said he was very weary and very restless. When he commenced to talk Mrs. Maybrick interposed and said if I would go downstairs she would tell me what was the matter with him. Thereupon, I went downstairs, but Mrs. Maybrick did not tell me anything, or, at all events, I don't remember what she said. I suggested that a nurse should be called in, but Mrs. Maybrick said there was no occasion for one, as she would nurse him herself, and she said that was the opinion also of the doctor. *I left the house*

between eleven and twelve o'clock in the morning, and on the same day I saw Mr. Edwin Maybrick and made a communication to him." DIARY.

Mrs. Briggs.

Q. The fact was, Mrs. Briggs, when you saw this poor gentleman, you came to the conclusion he was in a very bad way?

A. Yes.

Q. And you expressed your opinion to that effect?

A. Yes.

Q. You, in fact, formed a very bad opinion of the man's condition?

A. Yes.

Q. You formed a very serious opinion of it. You *thought him in peril?*

A. *Yes.* In serious peril on Wednesday morning.

Q. *Serious peril?*

A. *Yes.*

Q. I must ask you to remember one or two things you have not told us about, which occurred that morning. Don't you know that on Wednesday before your visit Mrs. Maybrick had telegraphed to Hazlewood for a nurse?

A. I know now. I did not know then.

Q. You did not know then?

A. No; she did not tell me.

Q. You have ascertained now?

A. Yes.

Q. Was it your suggestion that the nurse sent for should be a trained nurse?

A. Yes.

Q. And did she fall in with your suggestion;

A. Yes, in the end.

Q. I think you wrote the telegram in her name, showed it to her, and she paid for it and sent it by a messenger?

A. No, I took it myself.

Q. She paid for it?

A. Yes.

Mrs. Maybrick resented Mrs. Briggs and Mrs. Hughes's intrusion, and requested them to come down stairs, and Mrs. Briggs suggested that a professional nurse should be sent for. Mrs. Maybrick fell in with the suggestion, and a telegram to the Nurses' Institution for one was written out and Mrs. Maybrick gave her the money to pay for it. Mrs. Briggs sent a telegram to Michael Maybrick in London—"*Come at once; strange things going on here*"—and went into Liverpool and made a statement to Edwin Maybrick. In response to Mrs. Maybrick's telegram, Nurse Gore, from the Nurses' Institute, arrived at Battlecrease at 2-15 p.m.

Nurse Gore said, in her evidence at the Trial— Nurse Gore.

Q. In what condition did you find him?

A. Very ill.

Q. Did you judge what was the matter with him?

A. No.

Q. How did he look to be?

A. *Very ill indeed, and in bed.* Very ill indeed on Wednesday afternoon.

Q. Anything else?

A. His feet and legs were very cold.

Q. Anything else?

A. I was told he had been vomiting before I arrived.

DIARY.

Q. Did he vomit when you arrived?
A. Not that day.
Q. Did you speak to him?
A. Yes, I asked him how he was, and he said he was very ill.
Q. Did he seem to be quite conscious?
A. Yes; he told me the doctors did not know what was the matter with him, but believed it was something wrong with his liver and stomach.

Now, if Dr. Humphreys did not know him to be "very ill indeed," on that Wednesday, the 8th of May, he knew less about his patient than either Mrs. Briggs or Nurse Gore, or Mrs. Maybrick, for he was, in fact, "very ill indeed." Nurse Gore also said at the Magisterial Inquiry—"When I went to the house on Wednesday afternoon Mr. Maybrick was not able to get out of bed without assistance."

Alice Yapp.

Letter to Brierley.

At 3 p.m. Mrs. Maybrick went out to Alice Yapp, who, as children's nurse, was out in the roadway with the children, and gave her a letter to post. Her evidence at the Coroner's Inquest on the 28th of May, in reference to this letter, was—

(See *post.*)

Q. The same afternoon were you in the road with the children; the main road—Riversdale?
A. Yes, I was there from half-past two to five o'clock.
Q. Did you see the mistress there?
A. Yes, she ran down to the gate to me about three o'clock.
Q. Did she give you anything?
A. Yes, she gave me a letter to post.
Q. Is that the letter (produced)?
A. Yes.
Q. Take it in your hand and say what is the address?
A. It is addressed to A. Brierley, Esq., 60, Huskisson Street, Liverpool.
Q. In pursuance of her orders, did you go towards the post-office with the letter?
A. Yes.
Q. Were you carrying the baby?
A. The baby was walking, and I gave the letter to the baby to carry.
Q. Where is the post-office?
A. Opposite the Aigburth Hotel.
Q. When near the post-office, what happened?
A. The baby, who was carrying the letter, dropped it in the mud.
Q. What was the consequence?
A. I picked it up, and it was so covered with mud that I intended to ask at the post-office for another envelope and redirect the letter.
Q. Well?
A. When I opened it in order to take the dirty envelope off, I saw some writing inside
Q. What did you see?
A. "My darling."
The Coroner: *Are you quite certain?*
A. Yes.
The Coroner: Did you read the letter?
A. I read it afterwards.
Superintendent Bryning: Did you read the letter?
A. Yes, I read it twice.

The Coroner: Was it in the post-office you read the letter?

A. I opened it to address the clean envelope, and when I saw "My darling" I kept it. I stood on the step of the post-office and read it.

Superintendent Bryning: And did you post it?

A. No.

Q. You kept the letter?

A. I kept the letter.

The Coroner: What did you do with it?

A. I gave it to Mr. Edwin Maybrick.

Q. When?

A. It would be about five o'clock on the same night.

Q. Is the letter in the handwriting of Mrs. Maybrick?

A. Yes.

Letter to Brierley and envelope. (See *post.*)

The Coroner, producing a letter written in lead pencil upon tinted paper, read it. See facsimile of this letter, and of the envelope, and of my observations upon it. Alice Yapp, in cross-examination at the Inquest, said, "I intended telling Mrs. Maybrick when I got home, but I hadn't an opportunity." Alice Yapp, according to this evidence, remained in the road until five o'clock, and gave this letter to Edwin Maybrick about five o'clock. Edwin Maybrick, in his evidence at the Inquest on the 7th of June, said:—

Edwin Maybrick.

Q. On Wednesday, the 8th of May, you went to Liverpool, and afterwards returned to Battlecrease?

A. Yes.

Q. Did you see Alice Yapp on your return?

A. Yes.

Q. Did she give you the letter, which has been produced and read, addressed to Mr. A. Brierley?

A. *Not then.*

Q. When did she give it you?

A. In the evening, about five o'clock.

Q. You gave it afterwards to your brother Michael?

A. Yes.

Q. Did your brother Michael arrive the same day?

A. The same evening, about half-past eight o'clock.

Michael Maybrick.

Michael Maybrick also gave evidence at the Inquest on the 28th of May.

Q. Do you remember Wednesday, the 8th of this month?

A. I do.

Q. That evening you received a telegram?

A. I received two.

Q. Did you receive one from Mrs. Briggs?

A. Yes.

Q. Is that the one—"Come at once; strange things going on here"?

A. Yes.

Q. In consequence of the telegram, what did you do?

A. I came to Liverpool.

Q. Did you go to your brother's house?

A. I did.

Q. Did you see your brother Edwin there?

A. He met me at the station, and we went together.

DIARY.

Q. In consequence of something told you there, did you take possession of a letter?
A. I did.
Q. Is that the letter?
A. Yes.

Letter to Brierley.

I have set out the evidence given by these three "witnesses for the prosecution" at the Inquest with respect to the intercepting of this letter on Wednesday, 8th May, because it is the evidence given when the matter was freshest in their minds. I want to earmark that *pencil letter* at once. At a later stage I shall have to call attention to some peculiar matters connected with that letter.

These three persons, Alice Yapp, Michael, and Edwin Maybrick kept the fact of their having intercepted any letter a secret among themselves. They did not inform Mrs. Maybrick, or, so far as appears throughout the proceedings, anybody else until after the death of Mr. James Maybrick. In fact it has never transpired either when first or to whom any of these three persons spoke about that letter! It was, however, alleged during the proceedings that the conversation, whatever it was, which Alice Yapp had with Mrs. Briggs and Mrs. Hughes, at 11 o'clock in the morning, and the conversation which Alice Yapp had with Edwin Maybrick in the afternoon—coupled with the *subsequent* delivery by Alice Yapp to Edwin Maybrick at about 5 o'clock of this alleged intercepted *pencil letter*, which he handed to Michael on his arrival at 8-30 p.m., were the first "suspicions" which entered into their minds to conceive either that Mrs. Maybrick had been an unfaithful wife, or that Mrs. Maybrick was compassing her husband's death, or that she was not nursing him with the utmost solicitude and assiduity, and that these "suspicions" had fallen upon the *suspecting five* like a "bolt from the blue," and that no "suspicions" were entertained, or the cause of them known, by any of the other inmates of that household.

The course taken by Edwin and Michael Maybrick, when these "suspicions" were thus started among these five people, was to usurp control in their brother's house, without any authority from James Maybrick, and to depose Mrs. Maybrick—whom her husband wanted to have always by him—from attending on him, and moreover they did this without even consulting the medical men in attendance! It was a most extraordinary proceeding on the part of these two men! However, I will give their own explanation of their conduct.

Edwin Maybrick. Instructions to Nurse Gore.

At the Trial, Edwin Maybrick's evidence was:—

"I instructed Nurse Gore. I gave orders on *Wednesday night*, and repeated them on Thursday morning. I never mentioned Mrs. Maybrick's

name in the matter, but I told the nurses I should hold them responsible for all foods and medicines given to him, and *that no one was to attend to him at all except the nurses, but I did not mention any names. My orders would exclude Mrs. Maybrick and everybody else.* DIARY.

Q. *But there was nobody else to exclude?*

A. *There might have been a servant for all I knew.*

Q. But at all events it was Mrs. Maybrick you had in your mind?

A. Yes.

Q. Did you tell her you had given these instructions?

A. No.

Q. Did you address any statement, or advice, or direction to her in the matter?

A. No, none whatever as far as I recollect."

And Michael Maybrick's evidence was :— Michael Maybrick's arrival.

"On Wednesday, the 8th of May, I received three telegrams—one from Mrs. Briggs, and in consequence of the contents of these messages I left London the same day for Liverpool. I was met by my brother at Edgehill, and drove with him to Battlecrease House. I was told on the way out about a letter written to Mr. Brierley, and it was read to me at the house. I met Mrs. Maybrick on the landing near the bedroom of my brother. I asked for the room and was shown it. I found Nurse Gore there. Mrs. Maybrick followed me into the room. I was much shocked at my brother's condition, and could hardly remember what I said then. Afterwards, downstairs, I told Mrs. Maybrick I had very strong suspicions about the case. She asked me what I meant, and I replied that she ought to have called in professional nurses, and also another doctor earlier. At that time I had heard that Dr. Humphreys was in attendance, and a professional nurse had been procured that day. I also learned that Dr. Carter had been called in as a consulting physician. Mrs. Maybrick said that no one had a better right than a wife to nurse her husband, and I agreed with this. I reiterated that I was not satisfied with the case, and that I would go and see Dr. Humphreys, which I did." Shocked at brother's condition.

According to their own account of the steps they took their own conduct is attended with "suspicious circumstances." Those who "suspect" others must expect to be "suspected!"

Edwin Maybrick had returned from a prolonged visit to America about a fortnight before, and he had been staying in the house, and his evidence was that Mrs. Maybrick had been nursing his brother with the utmost solicitude and assiduity, sitting up night after night with him, and had got him to send Dr. Carter out as a second doctor, and a professional nurse; and that there had been no lack of nursing and medical attendance; indeed, if there had been, he himself ought to have seen to it, but, directly a servant girl, "Alice Yapp," says *something* to him in the garden—what that *something* was has not yet been disclosed—and then later on produces a *pencil letter*, which she says she intercepted when sent to the post with it—"suspicions" grow up in his mind like mushrooms in a most unnatural way! He never says a word about them to Mrs. Maybrick or to James Maybrick; he does not even speak to the doctors attending his brother—Dr. Humphreys, in fact, says, in his evidence, "*About* Suspicions.

DIARY.

Michael Maybrick's suspicions.

seven o'clock I went to the house and found Nurse Gore there"—Edwin said nothing to Dr. Humphreys even then, but keeps his "suspicions" to himself, having got, as is alleged, this intercepted letter in his pocket ever since *five o'clock!* But when his brother Michael arrives, at 8-30 p.m., he communicates his "suspicions" to him, and hands him this intercepted *pencil letter*, whereupon Michael, who, so far as the evidence given at the Trial goes, was by no means a constant visitor at the house, imbibes the "suspicions" without the slightest hesitation, and takes to them as a baby takes to its mother's milk, puts the intercepted letter in his pocket, and no sooner had he got into the house than he proceeded to act in the way in which he has himself described! and I will repeat his evidence as given at the Inquest, on the 28th of May, because it is when it was freshest in his mind then—in fact, it was given within three weeks of this Wednesday, 8th of May.

Q. When you arrived at Battlecrease, where did you find your brother?
A. In his bedroom—in bed.
Q. Did you put him in charge of any one—a nurse, for instance?
A. He was in charge of Nurse Gore.
Q. Now, at that time, did you see Mrs. Maybrick?
A. Yes.
Q. Did she and you go into Mr. Maybrick's bedroom?
A. Yes, I believe she followed me in.
Q. The same evening, had you and she any conversation about a nurse?
A. *Yes; I told her I had strong suspicions of the case.* Then she asked me what I meant. *I said my suspicions were that he had not been properly attended to, and that he ought to have had a professional nurse, and a second doctor earlier.* She said she had nursed him alone up to that point, and who had a greater right to nurse him than his own wife, or words to that effect, I cannot say the exact words. *I then said I was not satisfied with the case, and that I would see Dr. Humphreys at once, which I did.*

That night Michael Maybrick saw Dr. Humphreys, who fixes the hour as 10-30 p.m., and had a long conversation with him, when he communicated to him, at his house, his "suspicions." What statements he made to Dr. Humphreys did not transpire during the proceedings, but Dr. Humphreys, although he lived close to, did not think them deserving of attention, for he did not even go round to see the patient, or communicate with Dr. Carter or the nurses.

Dr. Carter's Article in "Medico-Chirurgical Journal."

NOTE.—*Dr. Carter, in his article "Notes on the Maybrick Trial," in the "Liverpool Medical Chirurgical Journal," of January, 1890, has thrown a side light upon this communication of "suspicions" by Michael Maybrick, which was not disclosed at the Trial, but which is very instructive. Dr. Carter, in that article, says:—*

Letter to Brierley.

"I heard of the dropped letter and its contents for the first time at the coroner's inquest, and am neither disposed nor entitled to offer any opinion whatever on the nurse's story concerning it."

. . . . . .

DIARY.

'As I have stated elsewhere [referring to an article in the *Lancet*] not only were the early symptoms of such a character as to seem in themselves capable of an innocent interpretation, but there was nothing in the circumstances surrounding the case to suggest to us, who were strangers, the possibility of guilt. *Husband and wife seemed to be on affectionate terms with each other*, and not only did the illness commence, as was believed, away from home, *but just under the conditions likely to induce dyspepsia first and aggravate it afterwards, viz., at a late dinner after the excitement of a race, on a day of very variable temperature, and broken by heavy and cold rains.* [The Wirral Races, of 27th April]."

Husband and wife on affectionate terms.

Symptoms.

. . . . . .

"In the *forenoon of Wednesday* [8th May] Mr. Edwin Maybrick called upon me and asked me what I thought of his brother's condition. I told him again what Dr. Humphreys and I had stated the day before [Tuesday, 7th May, when Dr. Carter was first called in to a consultation with Dr. Humphreys], viz., *that though he was very ill we trusted he would recover.*"

Edwin Maybrick saw Dr. Carter.

No mention of suspicions.

. . . . . .

"*At* 4-30 *on the 9th* [Thursday] I again went out in response to a telegram, and then *for the first time saw Mr. Michael Maybrick.* 'Now what is the matter with my brother, Dr. Carter?' was a question put to me very abruptly in the presence of Dr. Humphreys, before we had any opportunity of further conversation beyond what had been held by us on the 7th [Tuesday]; I therefore simply repeated the opinion we had formed and expressed then. 'But what is the cause of it?' [*i.e.* of the acute dyspepsia] was the next question, as abruptly put as the first. 'That is by no means clear to us,' I replied, 'it may have been caused by many things. The conclusion we formed was that your brother must have committed a grave error of diet by taking some irritant food or drink, or both, and so have set up inflammation.' Turning then sharply to Dr. Humphreys, the questioner [Michael Maybrick] asked him *if he had informed me of the subject of their last night's conversation.* Dr. Humphreys simply replied that *he had informed me of nothing.* All this was a matter of great surprise to me. *I did not know until that moment that any conversation had taken place*, and as I had had no communication directly or indirectly with Dr. Humphreys since the time when it was said to have been held, I looked at the speaker wondering what would come next. *The suggestion that has been so often referred to and so much commented on was then made.* It was made under the influence of *great excitement*, the speaker's [Michael's] mind evidently struggling under a conflicting sense of what was due to his brother on the one hand, and of possible injustice to his brother's wife on the other. 'God forbid that I should unjustly suspect anyone,' he said, in reply to an observation made by myself, 'but do you not think if I have serious grounds for fearing that all may not be right, that it is my duty to say so to you.' We thought that it was. *We heard all there was to say, that only so late as the middle of April the patient had been able to eat any ordinary food at his* [Michael's] *house*; *that he had soon been subject to sick attacks after returning home*; *that this contrast between the condition of health, while at and away from home respectively, had been the subject of remark, and had been noticed before that there was a most serious estrangement between the husband and wife*; *that the wife was known to have been unfaithful, and that just before the commencement of his illness, she was known to have procured many fly-papers*, and having heard all this, we consulted together, and we stated clearly what we conceived to be our own duty under the painful circumstances. *The grounds of the suspected*, or what was stated to be *the positively known, infidelity* were not mentioned, *and it was not until it was read at the coroner's inquest that I was aware of the existence, much less of the contents, of the intercepted letter.*"

Michael first communicates suspicions to Dr. Carter.

First heard of letter to Brierley at inquest.

DIARY.

This disclosure of the reasons for Michael Maybrick's suspicions was not made during the proceedings, and I will just point out the remarkable difference between it and the evidence given at the Trial. Michael Maybrick, according to this statement of Dr. Carter, informed him that "only so lately as the middle of April, the patient had been able to eat any ordinary food at his (Michael's) house" (this refers to James Maybrick's visit to London, when he consulted Dr. Fuller, on the 14th and 21st of April) but "that he had soon been subject to sick attacks after returning home." As to this, it will be observed that the evidence at the Trial was, that the first time he was sick was on the 27th of April, the day of the Wirral Races, and Dr. Humphreys was called in on the morning of the 28th; but, then, Michael Maybrick is said to have gone on to say that—

Michael Maybrick. Illness at home subject of remark.

"This contrast between the condition of health while at and away from home respectively, had been the *subject of remark, and had been noticed before.*"

Now, not one syllable of evidence of this having been the "subject of remark," or about its having "been noticed before," was given at the Trial; indeed, it is absolutely inconsistent with all the evidence given at the Trial, the result of which was, that until this Wednesday, the 8th of May, when these five persons,

Alice Yapp,
Mrs. Briggs,
Mrs. Hughes,
Edwin Maybrick, and
Michael Maybrick,

The suspecting five.

became afflicted with suspicions, no person at that house—neither Edwin Maybrick, Alice Yapp, Elizabeth Humphreys, Mary Cadwallader, Bessie Brierley, Mrs. Briggs, Mrs. Hughes, Dr. Humphreys, or Dr. Carter—had any "suspicions" whatever, either that Mrs. Maybrick was compassing Mr. Maybrick's death, or that she was an unfaithful wife. Again, Michael Maybrick is represented to have said to Dr. Carter that there was "a most serious estrangement between the husband and wife." Whereas the evidence at the Trial was that though there had been once, and once only, a serious quarrel on the 29th of March, the day at the Grand National, when James Maybrick had given her a black eye, a "perfect reconciliation" had been brought about the next day, and they were living on affectionate terms with each other. Then Michael Maybrick is further represented as having stated that her infidelity was not merely suspected, but positively known, *but that he did not even refer to the pencil letter which was produced during the proceedings—a letter Alice Yapp had intercepted on Wednesday, the 8th of May. Now, assuming that Michael Maybrick had that letter in his possession at the time, it, standing alone, might have justified him in* suspecting infidelity *on the part of Mrs. Maybrick, but, as will presently be seen, that letter*

Letter to Brierley.

(taken solely by itself) could hardly have justified Michael Maybrick in saying that her infidelity was not merely suspected, but positively known.—*A. W. McD.*] DIARY.

May 9th, Thursday.—Dr. Humphreys visited the patient in the morning.

Alice Yapp gave the following remarkable evidence at the Inquest:—

Q. On the day following, viz., Thursday, the 9th of May, did you see Mrs. Maybrick?

A. Yes, about ten o'clock in the morning. She came into the night nursery, and sat down, and said to me, "Do you know I am blamed for this?" I said, "For what?" and she said "For Mr. Maybrick's illness." *I then said to her "For why?" and she said* Mr. Michael blamed her that she had not sent for another doctor and a nurse. ALICE YAPP.

Q. Did she say more?

A. She said Dr. Humphreys said there was no need for another doctor, and that Dr. Carter said that there was no need for a nurse.

Q. *Did you say anything at that time?*

A. *I suggested to her two or three times to send for another doctor.*

Q. Was anything said?

A. She said she had done all that Dr. Humphreys had ordered, and that she had given him all that she had been ordered to do.

Q. Did anything more pass between you?

A. No.

Now, Mrs. Maybrick had herself sent for a second doctor—Dr. Carter—on the previous Tuesday, and he had been to see the patient on the Tuesday, and on the morning of the previous day, Wednesday, Mrs. Maybrick had not only sent for her own regular nurse, but also telegraphed to the Nurses' Institute for one, and Nurse Gore had been sent up.

Alice Yapp was disingenuous enough to conceal from Mrs. Maybrick the reasons why Edwin and Michael Maybrick were treating her in her own house in this way, and disingenuously says "*For why?*" and leaves her to think she was blamed for her husband's illness because, as Michael Maybrick says in his evidence he told her—

"*I said my suspicions were that he had not been properly nursed; that he ought to have had a professional nurse and a second doctor earlier.*"

That Mrs. Maybrick had in any way neglected her husband had not occurred to Edwin, who was living in the house, or to any one else, except Michael Maybrick, who, the moment he arrived from London, being much "shocked at his brother's condition," turned round on Mrs. Maybrick in this way—instead of turning round and blaming Edwin—whose evidence was, that Mrs. Maybrick had been most assiduous in nursing her husband! as, indeed, was also the evidence of all the servants and of Dr. Humphreys.

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Elizabeth Humphreys, the cook, in her evidence, said :

Elizabeth Humphreys, the cook.

"Mr. Michael Maybrick came to the house on Wednesday evening the 8th of May, late. On Thursday, the 9th, I went up to the master's door early. I met the mistress coming out. I went to the kitchen and was followed shortly after by the mistress, who first ordered dinner, and then said, 'Well, Humphreys, I am to blame for all this.' She seemed very much upset. On being asked in what way she was blamed, she said, 'For not getting proper nurses and other doctors.' She then walked away into the servant's hall and began to cry.

. . . . . .

"She said her position was not worth anything in the house. She was not even allowed to go into the master's bedroom and give him his medicine. She said also that Mr. Michael Maybrick was about the neighbourhood, and always had a spite against her since her marriage with the master.

. . . . . .

"She cried very bitterly for about a quarter of an hour. I said I was very sorry for the state of affairs, to which she said, 'Oh, never mind,' and she then went upstairs."

Nurse Gore.

Nurse Gore said in her evidence at the Inquest :—

"I continued on duty with the patient until the following forenoon [viz., till the forenoon of Thursday, the 9th], and gave Mr. Maybrick everything that he took so far as I know. I was relieved by Nurse Callery at half-past eleven o'clock on the forenoon of Thursday, the 9th, and she remained in charge until I returned at eleven o'clock on the night of the 9th. I went into the sick room to Mr. Maybrick. Mrs. Maybrick was in the room shortly afterwards. Nurse Callery left upon my relieving her."

Now in her evidence at the Inquest Nurse Gore said nothing about having "suspected" Mrs. Maybrick during her watch on Wednesday night of having tampered with some *Neave's Food*. Nor did Michael Maybrick say anything about this "Neave's Food" at the Inquest, nor did Dr. Humphreys, but Dr. Carter in his evidence at the Inquest let it out incidentally and unexpectedly in this way—

Q. On Friday, the 10th May, the day before death, on the occasion of your visit, was anything given to you by Mr. Michael Maybrick?

A. Yes, a small bottle, apparently containing Valentine's Meat Juice. *On the previous day (Thursday, the 9th) a small bottle of Neave's Food had also been given me by Mr. Michael Maybrick. It was a very small bottle, containing two tablespoonfuls, but the bottle was full.*

Q. Did you examine the contents of that bottle?

A. I did.

Q. Did you find anything except Neave's Food in it?

A. Not in the first bottle.

Mr. Pickford: I think nothing was said about the bottle by Mr. Michael Maybrick?

Mr. Steel: No; I think he was not asked.

Dr. Carter.

[NOTE.—*Dr. Carter, in his article in the "Liverpool Medico-Chirurgical Journal," says about this incident of the Neave's Food, which Michael had handed to Dr. Carter for analysis when he and Dr. Humphreys came at 4-30 p.m.* :—

"It was with a feeling of intense relief that I found the specimen of *Neave's Food* that had been given me for examination on the 9th, was free from any trace of metallic irritant."—*A. W. McD.*] DIARY.

At 4-30 p.m. Dr. Carter and Dr. Humphreys met in consultation at the patient's bedside. Michael Maybrick gave Dr. Carter this *Neave's Food*, which was found harmless—and I call attention to the fact that but for Dr. Carter's referring in the incidental way I have mentioned nothing would have been said about this "suspected" but harmless "Neave's Food"!! There was another important thing kept back at this Inquest, viz.: that on this same Thursday, the 9th, Dr. Carter and Dr. Humphreys examined the *fæces* and *urine*, and Dr. Humphreys analysed them and found no traces of arsenic in them, but both Dr. Carter and Dr. Humphreys kept this important fact back at the Inquest. I will quote their evidence, and ask why all reference to this analysis of the fæces and urine was kept back by Dr. Humphreys and Dr. Carter? *Was it because evidence in favour of Mrs. Maybrick was not wanted, but only evidence against her?* Neave's Food. Analysis of fæces and urine.

Dr. Humphreys:— Dr. Humphreys.

"On Thursday, the 9th March, I again visited him, and found him no better; rather worse. He was then under the care of a nurse. *The patient was now suffering from looseness of the bowels.* His tongue was still very furred; his throat very distressing, and irritating much by straining." Symptoms.

Q. *Was there any tenesmus on this occasion?* Tenesmus.
A. *That is what I mean by straining.*
Q. Was there any irritation?
A. Yes, there was.
Q. Great irritation?
A. Yes.
Q. Where was the irritation?
A. At the lower end of the bowel.

. . . . .

Q. Finding that, did you stop the medicine he was taking?
A. Yes.
Q. And did you supply suppository of opium?
A. Yes.

Not a word about analysing the fæces and urine!!

Dr. Carter:— Dr. Carter.

"I saw him on the Thursday, the 9th, about four o'clock or half-past four o'clock in the afternoon. Dr. Humphreys was there when I saw him."

"The patient was practically the same [as on the Tuesday, when Dr. Carter had seen him before], *with the exception of this tenesmus*, of which he prominently complained. This was on Thursday, the 9th."

Q. Did you search for the cause of that tenesmus?
A. I made an effort to examine the bowel, but it caused him such extreme pain that I was unable to persevere.

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Dr. Carter.

Not a word about analysing the fæces and urine, although Dr. Carter was actually asked, "Did you search for the cause of that tenesmus?"

Then, again, at the *Magisterial Inquiry* neither Michael Maybrick, Nurse Gore, nor Dr. Humphreys said anything about the "suspected" but harmless "Neave's Food." Dr. Carter, however, did refer to it again; but neither Dr. Humphreys nor Dr. Carter said anything about analysing the fæces and urine for arsenic, and finding no trace of any. *Why, I ask again, was this important fact kept back both from Coroner's Jury and the Magistrates?*

Dr. Humphreys, in fact, said nothing in this evidence at the Magisterial Inquiry about his visits on Thursday, the 9th; but Dr. Carter, however, said:—

"I saw him on Thursday, the 9th. He seemed substantially the same [as on Tuesday], with one added symptom, tenesmus—a desire to go to the closet without being able. *I had very strong presumption that the symptoms were due to irritant* poison, other than irritating food. A bottle of Neave's Food was given to me by Michael Maybrick, with a desire that I should examine it, owing to some uneasiness."

Mr. Pickford: Never mind the uneasiness.

A. I may state, however, that the food has been analysed, and there was nothing wrong in it.

Analysis of fæces and urine and Neave's food.

Not a word about the analysis for arsenic of *the fæces and urine* as the cause of these symptoms. They were free from arsenic. *Is that the reason why Dr. Humphreys and Dr. Carter said nothing about it?* Dr. Carter said "he had very strong presumption that the symptoms were due to irritant poison," but though an analysis was made of the fæces and urine—to discover arsenic—none having been found, these doctors thought it proper to hold their tongues about it!!

At the *Trial* Michael Maybrick said nothing about this "suspected" Neave's Food which Dr. Carter had said he had handed to him for analysis on Thursday, the 9th, and which he found harmless. Dr. Carter, however, again referred to it, and said: "*On the Thursday I made an analysis of some Neave's Food which was given me, but found nothing wrong with it.*" I should like to know a little more about what led Michael Maybrick to "suspect" this Neave's Food and give it to Dr. Carter to get it analysed. Whatever led to that piece of detective work, the result was that it failed, but who told Michael Maybrick to "suspect" that it had been tampered with? Nurse Gore was in charge of the patient then. Did she say anything to Michael Maybrick about it, or was it a mere experimental shot of his own? But as regards the analysis of the *fæces* and *urine*, which these doctors, who had just been impregnated by Michael Maybrick with "suspicions," caused to be made on that Thursday, all information about which

had been kept back by them from the Coroner's Jury and Magistrates, at the Trial, however, Dr. Humphreys, *apparently quite unintentionally*, let it out—revealed the fact—the important fact—that he had analysed the *fæces and urine for arsenic, and had found no trace of any.* DIARY.

Dr. Humphreys :— Dr. Humphreys.

"Mr. Maybrick was complaining of great pain. Dr. Carter was present that afternoon [Thursday, the 9th]."

Q. Did you consider the patient's condition then as favourable as before?

A. Not as favourable.

Q. What were the unfavourable symptoms?

A. They were diarrhœa and straining. I saw the fæces that afternoon.

Q. Did they present any characteristic which led you to make a more than casual observation?

A. *They themselves did not, but I had a conversation with Mr. Michael Maybrick which led me to believe that something* more might be seen if a further examination was made.

Q. Was any further examination made? Analysis of fæces and urine.

A. Yes.

Q. Of the fæces?

A. Yes.

Q. You made a slight examination?

A. Yes.

Q. Dr. Carter was aware of what you were doing

A. Yes.

Q. What examination did you make?

A. I boiled them in copper with a little acid.

Q. What acid?

A. Hydrochloric acid.

Q. What were you testing for?

A. *I was testing for some metal, probably antimony, arsenic, or mercury.*

Q. Some metallic irritant?

A. Yes.

Q. How much did you subject to the test?

A. About a tablespoonful.

Q. With what result?

A. Nothing conclusive.

Q. Be a little more explicit, doctor.

A. *I got no deposit on the copper.*

Q. Had your patient had bismuth in his medicine before?

A. He had.

Q. Was there any deposit of bismuth on the copper?

A. *There was no deposit of any metal.*

Q. *The result was negative?*

A. *Yes.*

Q. *Did you examine the urine at all?*

A. *I did the same afternoon, and subjected it to a similar test, but the result was negative. There was no mineral deposit in the urine.*

Dr. Carter—who Dr. Humphreys said was aware of his testing the *fæces* and *urine*—gave no evidence about this. Those among my readers who are medical men will understand the force of the absence of any trace of arsenic in the *fæces* and *urine*—but

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the general reader will, I am sure, appreciate the *unfairness* by which the fact was kept back, and only, as it were, accidentally brought out, that both *Neave's Food* and the *fæces and urine* had been examined by these doctors for arsenic on this Thursday the 9th of May, and found free from any traces of arsenic!

Valentine's Meat Juice. (See *post.*)

On that Thursday night after the doctors had left, an incident occurred which may be described as the most important incident in the whole case—the Valentine's Meat Juice incident—I shall have to deal separately with this incident, but I will briefly refer to it here.

Nurse Gore, in her evidence at the Inquest, said:—

Nurse Gore.

"Nurse Callery remained in charge until I returned at eleven o'clock on the night of Thursday, the 9th. I went into the sick room to Mr. Maybrick. Mrs. Maybrick was in the room shortly afterwards. Nurse Callery left upon my relieving her. I obtained a bottle of Valentine's Meat Juice soon after eleven o'clock. I got it from the landing. It appeared to be unopened and perfectly new. I had seen the bottle before Mr. Edwin Maybrick gave it to me the night [Wednesday] previously. I have no reason to think the bottle had been tampered with. I gave Mr. Maybrick two teaspoonsfuls of the food in water. I tasted it to see that it was all right. I put the bottle on the small table standing in the bedroom window. Mrs. Maybrick was present. She said Mr. Maybrick had had Valentine's Meat Juice before, but it always made him sick. I did not observe any ill effects follow the food I had given him."

And first let me call attention to the fact that Dr. Humphreys said in his evidence at the Trial, that having on Sunday, the 5th, ordered him to take Valentine's Meat Juice, he had called on Monday, the 6th, and found that—

"Some of the Valentine's Meat Juice had been taken, but it did not agree with him and it made him vomit. I do not remember his vomiting in my presence, but he complained of it. I told the deceased to stop the Valentine's Meat Juice, and said I was not surprised at its making him sick, as it made many people sick."

And both Dr. Humphreys and Dr. Carter on Tuesday, the 7th, had ordered him to take *Neave's Food.*

Edwin Maybrick.

Now, why should Edwin Maybrick have given Nurse Gore on Wednesday night, the 8th, a fresh bottle of Valentine's Meat Juice to give to the patient? What right had Edwin to tell Nurse Gore that the patient was to have Valentine's Meat Juice? Dr. Humphreys had ordered the patient to discontinue it, because it did not agree with him. Even assuming that Edwin Maybrick did not know this, how came he (having that night given orders to Nurse Gore not to allow Mrs. Maybrick to give her husband any food, or to attend on him at all) to tell this strange nurse [Nurse Gore] to give him Valentine's Meat Juice, without some direct authority from the doctors who had ordered him to take Neave's Food? and how came Nurse Gore to take orders of this kind from Edwin Maybrick and give the patient Valentine's Meat Juice

without some direct authority from the doctors to do so? However, Nurse Gore says that on this Thursday night she took this unopened and perfectly new bottle, which Edwin had given her, and opened it herself, and— Valentine's Meat Juice.

"I gave Mr. Maybrick two teaspoonsfuls of the food. I tasted it to see it was all right. . . Mrs. Maybrick was present. She said Mr. Maybrick had had Valentine's Meat Juice before, but it always made him sick."

Nurse Gore gave her evidence before Dr. Humphreys had given his about having ordered him to discontinue taking it because it made him sick, as it made many people sick. So this Nurse Gore, placed in this absolute power in that sick room by Edwin and Michael Maybrick, goes on—

"I did not observe any ill effects follow the food I had given him."

I suppose Nurse Gore, like many another when "dres't in a little brief authority," had her moments of vanity, and thought she knew more about it than Mrs. Maybrick, or Dr. Humphreys, or Dr. Carter, or anybody else, so she gave the patient Valentine's Meat Juice instead of "Neave's Food," as ordered by the doctors, and—

"I did not observe any ill effects follow the food I had given him ! ! "

Nurse Gore then goes on in her evidence at the Inquest:—

"After midnight I gave him champagne, and he went to sleep for three-quarters of an hour. Mrs. Maybrick was in the room during this time. A few minutes after twelve o'clock, Mrs. Maybrick, in passing to the dressing-room, picked up the bottle of Valentine's Meat Juice from the table and took it into the dressing-room and closed the door. She remained for about two minutes. Then she came back and stood by the small window table, and told me to get some ice to put into the water to bathe Mr. Maybrick's head. I said the patient was sleeping, and I would do it when he awoke. Whilst she was talking to me she put the bottle of meat juice back on the table. She held the bottle by her side, and appeared to have the hand holding it in her pocket. She appeared to be trying to conceal her action from my view. She raised her right hand and replaced the bottle on the table whilst she was talking to me."

The Coroner: Did you give Mr. Maybrick any more juice from that bottle?

A. No.

. . . . . .

Q. After he awoke did Mrs. Maybrick come from the dressing-room into the bedroom where he was?

A. Yes.

Q. Did she do anything with the bottle of meat juice?

A. She moved it from the small table to the washstand.

. . . . . .

To Mr. Pickford: I could and did see clearly what Mrs. Maybrick did with the bottle. When Mrs. Maybrick pushed the door through it was not absolutely shut or latched—it was closed.

To the Foreman of the Jury: When the bottle came back from the dressing-room I am unable to say whether the quantity had been increased or not.

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Valentine's Meat Juice. (See *post*.)

I will call attention to the fact to which I shall have to advert when I come to deal with this Valentine's Meat Juice incident, to Nurse Gore's evidence, that it was a fresh and unopened bottle out of which she had only taken two teaspoonsful, and that when it came back she was unable to say whether the quantity had been increased or not. A bottle of Valentine's Meat Juice, I may observe, only contains nine teaspoonsful when full.

10th May, Friday. Dr. Humphreys saw the patient in the morning. No communication was made to him by Nurse Gore about this Valentine's Meat Juice. *This is very odd!* Again, when at eleven o'clock Nurse Gore went off duty, and Nurse Callery relieved her, Nurse Gore called the attention of Nurse Callery to a bottle of Valentine's Meat Juice, and told her to watch it, so that the patient should have none of it, and gave her a medicine bottle and told her to take a sample of it, instead of taking one herself. Nurse Gore also saw Michael Maybrick when she went off duty at 11 o'clock, a.m., and told him about *a bottle of brandy*, which Michael Maybrick took away and handed to Dr. Carter in the afternoon to be analysed, but that was found to be harmless, but did not say anything to him then about the Valentine's Meat Juice! *This is also very odd!* Nurse Gore then went down to the Nurses' Institute in Liverpool, and returned to the house at two o'clock, and told Nurse Callery *to throw away the sample*, as the Lady Superintendent objected, and Nurse Gore then asked to see Michael Maybrick, and then for the first time spoke to him about the Valentine's Meat Juice—*this is also very odd!*—and Michael then took a bottle (I shall presently show it was not the same bottle as that which Mrs. Maybrick took into the dressing-room), and when Dr. Carter and Dr. Humphreys came in the afternoon at 4-30 p.m., he handed the bottle of brandy and a bottle of Valentine's Meat Juice to Dr. Carter for analysis. *The bottle of brandy was found to be harmless*, but in the bottle of Valentine's Meat Juice, half a grain of "arsenic in solution" was subsequently found by Mr. Davies, the analyst. I shall deal at a later stage with the analysis of this bottle.

Nurse Wilson.

Nurse Wilson's evidence at the Trial was—

Oh, Bunny, Bunny, how could you do it?

"Mrs. Maybrick was in the room most of the time. During the evening of Friday, about six o'clock, the patient said to Mrs. Maybrick, 'Oh, Bunny, Bunny, how could you do it. I did not think it of you!' He said that three times."

Q. At that time, how did he appear with regard to the state of his mind?

A. He appeared quite conscious.

Q. Did Mrs. Maybrick answer?

A. Yes, she said, "You silly old darling, don't trouble your head about things."

[NOTE.—*On that Friday evening, at about seven o'clock, just before dinner was served in the dining-room, a rather remarkable thing occurred which was kept back at the Trial, but which must not be kept back, and must be thoroughly investigated, as also the reasons for keeping it back. I shall give the description of that occurrence as it has been supplied to me by two of the servants—Elizabeth Humphreys, the cook, and Mary Cadwallader, the parlour-maid. The office clerks, Thomas Lowry and George Smith, came up to the house with some papers. Michael and Edwin Maybrick were there, and took them up to James Maybrick. After some time, James Maybrick began shouting at the brothers in a loud voice that could be heard all over the house: "Oh Lord! if I am to die, why am I to be worried like this? Let me die properly." He was very violent, and shouted out very loud. Both Humphreys and Cadwallader saw Edwin Maybrick came out of the bedroom with a paper in his hand, and they say that Alice Yapp, whom they describe as "knowing and hearing everything," told them that they had been trying to get him to sign the Will; that after the quarrel on the day of the Grand National James Maybrick had made a new Will, and Michael and Edwin Maybrick could not find it, and they were trying to get one signed. Subsequently, on Saturday, 18th May (the day when Mrs. Maybrick was removed to Walton Gaol), Thomas Maybrick told Humphreys and Cadwallader to be ready to leave on Monday,* "as the Will had been left very awkward." *There are circumstances connected with James Maybrick's Will which require examining into. That Will forms part of "The Maybrick Mystery," and I shall refer to it at a later stage.—A. W. McD.*]

DIARY.

The will.

Dr. Carter, in his evidence at the Trial, said that having on Friday night detected some metallic deposit by Reinsch's test, he did not make any attempt then to discover what that metallic deposit was, and that it might have been any metallic impurity.

[NOTE.—*Dr. Carter, in his article in the "Liverpool Medico-Chirurgical Journal," of January, 1890, says, in reference to his analysis of the bottle of Valentine's Meat Juice, which had been handed to him for analysis at 4-30 the evening before:—*

Dr. Carter's analysis of Valentine's Meat Juice.

"I was not quite sure at the trial at what precise hour I made the examination which led to the detection of *some metallic irritant in this juice.* I thought it was 10-30 p.m., or perhaps 11 o'clock. I am inclined to think, however, that it was much later even than the latter hour before I satisfied myself that the *irritant was certainly in the juice,* and not possibly in any of the re-agents. It was not until late in the evening that my other professional duties allowed me to commence this one; and those alone who are accustomed to the kind of work in question can appreciate the *extreme caution required to avoid mistakes,* such as the necessity there is for *determining the purity of each re-agent,* and the consumption of time which such *legitimate caution* entails, and who can understand, therefore, that it was more likely to have been mid-

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night than earlier before it was completed, *even to the extent mentioned, i.e., the determination of the presence of some metallic irritant.* It did not strike me then, and it does not do so now, that I did not at once, on making this discovery, either drive out or write to Dr. Humphreys or to Battlecrease House. The fact that an irritant had been detected *proved to me that our safeguards were efficient,* while the belief, on the part of those responsible for the administration of food, &c., that an attempt to tamper with some of it had been made, would tend to increase their vigilance if increase were possible."

Dr. Carter's object in thus explaining himself was, of course, to show that he had not been negligent when he discovered some metallic deposit *in the Valentine's Meat Juice, in not going round at once to see that the patient had not been poisoned and to administer an antidote. "Qui s'excuse s'accuse." But what does his excuse amount to? He talks about his safeguards being efficient. Does he mean that it was he who turned Nurse Gore into a sort of female detective? His story amounts to this, that notwithstanding the suspicions communicated to him and Dr. Humphreys by Michael Maybrick on Thursday, that Mrs. Maybrick was poisoning her husband, he thought his "safeguards efficient" in leaving Mrs. Maybrick free access to her husband with Nurse Gore privately instructed to play detective on her! And that as he had found* some metallic deposit *upon his test in one of the things handed him for analysis, that showed that those "responsible for the administration of food were on the alert," and that he could go to bed comfortably and trust to the amateur detectives by whom Mrs. Maybrick was being watched!! Dr. Carter feels the weight against him on this point, that he had detected this at half-past ten or eleven o'clock at night, and in his article says it must have been midnight before he had satisfied himself that* some metallic deposit *was present. My readers will take their measurement of the value of these excuses—but why, even if it was midnight, did not Dr. Carter at once go round to Battlecrease or communicate to Dr. Humphreys that he had found* some metallic irritant *in the meat juice—had found something which at all events suggested some grounds for the suspicions which Michael Maybrick had the day before whispered in his ear that Mrs. Maybrick had purchased some fly-papers and was poisoning her husband with them? Why did he not at once go or send to Battlecrease and say, "I don't know what metal it is, but I have detected a metallic deposit in the meat juice," and take steps to administer an antidote, and to obtain some of the vomit and other evacuations, and prevent Mrs. Maybrick from having any access to the sick room or any opportunities of outwitting these amateur detectives?—A. W. McD.*]

Mrs. Maybrick's speechless swoon.

May 11th, Saturday.—At four o'clock in the morning Mrs. Maybrick sent Cadwallader to Mrs. Briggs's house, and Mrs. Briggs and her sister Mrs. Hughes came round to Battlecrease. In the forenoon Mrs. Maybrick fell into a mysterious speechless

swoon, and was carried out of the sick room by Edwin Maybrick and laid on the bed in the spare room, where she remained in a speechless state for more than 24 hours (and continued in a prostrate condition for several days, indeed, until she was removed to Walton Gaol on Saturday, 18th of May). DIARY.

At 12-30 Dr. Carter and Dr. Humphreys met at Battlecrease House in consultation.

[NOTE.—*Dr. Carter, in his article in the "Liverpool Medico-Chirurgical Journal," says—*

"At 12-30 (noon) on the 11th, the day and hour agreed upon for my next visit, I drove out again, met Dr. Humphreys and Michael Maybrick, and told them what I had discovered, showing at the same time the copper slips coated with the metallic deposit, and stating that if things turned out to be as I feared they would the matter must pass entirely out of our hands. But in order to avoid the possibility of doing an injustice to any one, I expressed a wish to have the opportunity afforded to me of examining a bottle of meat juice about which I could be quite certain that it had never been opened, *as I thought it just possible that some adulteration might have been accidentally introduced in the process of manufacture*, explaining at the same time, if this should turn out not to be the case, it would be my duty to hand the bottle of meat juice that had been given to me the day before to a skilled analyst, and that if the patient should die—an event which from what had been told me of his condition, for I had not then seen him, seemed almost certain—Dr. Humphreys and I must feel it impossible to give a certificate of death from natural causes, but that the case must be referred to the Coroner to take such steps as he should think necessary."—A. W. McD.] Valentine's Meat Juice. Dr. Carter.

Dr. Carter and Dr. Humphreys were in and about the house until after the death of James Maybrick, which occurred at 8-40 p.m. Death of James Maybrick.

The following is a list of the list of persons who were in and about the house during his fatal illness:— List of persons about the house

Dr. Humphreys and Dr. Carter, } The medical men in attendance.

Nurses Gore, Callery, and Wilson, } The professional nurses in attendance.

Mrs. Maybrick.

Edwin Maybrick, brother of the deceased, who had arrived from America on the 25th of April, and who had been living in the house most of the time since his arrival.

Michael Maybrick, another brother of the deceased, who had arrived from London on Wednesday, 8th of May, and had been since then living in the house.

Alice Yapp, who had been nurse to the two children, aged respectively 7 and 3, for 1 year and 8 months.

Elizabeth Humphreys, who had been cook for 7 months.

Mary Cadwallader, who had been parlour-maid for 1 year and 4 months.

Bessie Brierley, who had been housemaid for 7 months.

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Mrs. Briggs, an intimate friend and neighbour during the whole of the eight years of Mr. and Mrs. James Maybrick's married life.

Mrs. Hughes, a sister of Mrs. Briggs, also an intimate friend and neighbour.

[NOTE.—*Besides these there were present at the time of his death and at the house during the illness, the following persons among others whose names did not transpire during the proceedings—*

Thomas Maybrick, another brother of the deceased.

George R. Davidson, a most intimate friend of Mr. James Maybrick.

James Grant, the gardener.

Alice Grant, the gardener's wife, and previously a servant in the house.

It is not quite intelligible why the names of these persons did not transpire during the proceedings.—A. W. McD.]

Search on premises by the suspecting five after death, during Mrs. Maybrick's speechless swoon. (See *post.*)

No steps were taken either by Dr. Carter, Dr. Humphreys, or the nurses, or by the "suspecting five," to try and find anything in the dressing-room or anywhere. This negligence is absolutely incomprehensible. But as soon as James Maybrick had died—Mrs. Maybrick had been since before noon lying in a speechless swoon—to quote from Mr. Addison's opening speech for the Crown—

"Now directly he was dead Michael Maybrick directed Alice Yapp and Bessie Brierley, the housemaid, to look and see what they could find."

And Alice Yapp and Bessie Brierley went straight to a linen closet which was on the same landing and adjoined the bedroom, and took from it a trunk marked with Mrs. Maybrick's name, took it into the nursery, and having done so Bessie Brierley went down stairs and left it there; but a little before twelve o'clock at night Alice Yapp opened this trunk thus taken into the nursery, and produced out of it in the presence of Nurse Wilson (one of the professional nurses) as a witness, a chocolate box containing the following articles, as described in the printed list prepared by the police of articles handed to the analyst:—

Alice Yapp's find of parcel of black powder, labelled "Arsenic, poison for cats."

"17. Sealed package, seal—Bird with branch in its mouth, contains a box in which was a package marked 'Arsenic; poison for cats (with poison label).' Handkerchief. Bottle labelled 'Solution of Morphia.' Bottle, no mark. Parcel of yellow powder."

Alice Yapp took these things down to the dining-room and handed them to Michael and Edwin, who sent for Mr. Steel at midnight, as a solicitor, to advise them, and under his advice Michael made them up into a package, and having sealed them up, locked them up in the cellar, of which he and Edwin Maybrick

took the duplicate keys. Mrs. Briggs and Mrs. Hughes remained to sleep in the house at the request of Michael.

After the death of James Maybrick at 8-40, Dr. Carter, who had brought the bottle of Valentine's Meat Juice to the house when he arrived at 12-30 noon, took it back home with him, and made some further experiments, and by means of Marsh's test discovered that the *metallic deposit* he had detected the night before was "traces of arsenic." He did not make any quantitative analysis of it, but took the bottle to Mr. Davies, a local analyst, who locked it up that night.

May 12th, Sunday.—Mrs. Maybrick still lying in a speechless swoon. Michael, Edwin, Mrs. Briggs, and Mrs. Hughes made in the morning a search in James Maybrick's bedroom and dressing room, which was entered only through the bedroom. In a drawer they found some letters, among them a letter from Brierley to Mrs. Maybrick, and in the dressing-room they found the following articles, which are thus described in the printed list prepared by the police of articles handed to the analyst and produced at the Trial:—

Search on premises after death by the suspecting five. (See *post.*)

No. 7. Found in Mrs. Maybrick's dressing-room by Inspector Baxendale, meat extract.
No. 8. Bottle with liquid and black powder, by Inspector Baxendale.
No. 9. Compound mixture of bismuth, by Inspector Baxendale.
No. 10. Liquid in bottle. No. mark. By ditto ditto.
No. 11. Sediment in bottle. Label, "Humphrey Jones, Langollen." By ditto ditto.
No. 12. Glass. By ditto ditto.
No. 13. Box with crystals. By ditto ditto.
No. 14. Parcel of carbonate of magnesia. "Clay and Abraham." By ditto ditto.

Large quantities of "arsenic in solution" were found in Nos. 8, 10, 11, and 12.

It was a serious misdescription to describe these things as found by Inspector Baxendale. They were, in fact, found by Michael and Edwin Maybrick, Mrs. Briggs, and Mrs. Hughes, on the Sunday morning, in the way above described. I shall deal at a later period with the "search."

At 8-30 p.m. Inspector Baxendale came to the house, and Edwin Maybrick handed him the above articles, which had been found in the dressing-room leading out of James Maybrick's bedroom, in two cardboard hatboxes containing James Maybrick's hats, by Michael, Edwin, Mrs. Briggs, and Mrs. Hughes in the morning; but the parcel labelled "Arsenic. Poison for Cats," which Alice Yapp had found the night before, was not handed to Inspector Baxendale. Inspector Baxendale also "made inquiries and took particulars." Of whom he "made inquiries" or what the "par-

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ticulars taken" were no disclosure was made during the proceedings.

Post-mortem examination.

May 13th, Monday.—Mrs. Maybrick still lying very ill in bed. Drs. Humphreys, Carter, and Barron made a post-mortem examination of the body in the presence of Superintendent Bryning, and certain portions of the body were placed in sealed glass jars—and are described thus in the printed list prepared by the police and produced at the Trial :—

3 glass jars.—No. 1. Intestine.
No. 2. Contents of Stomach.
No. 3. Liver.
Also 2 small 2oz. bottles—A Fluid which flowed from mouth.
B. Bile.

Post mortem.

I may remark in passing that the analyst did not find arsenic in any of the above parts of the body. Arsenic was not found in any weighable quantity, except in the parts taken at the exhumamation of the body on the 31st of May.

Superintendent Bryning also requested Dr. Humphreys to take samples of the contents of the traps in the sinks, and these were placed in 4 earthenware jars, which were covered with white paper.

Search on premises. (See *post.*)

In two of these, namely, the jar containing the deposit in the *pan of the water-closet*, and in the sediment in the drain of the area *outside* the house, traces of arsenic were found! In the others none was found! Mrs. Maybrick is not likely to have been the person to put any arsenic in the drain *outside* the house. It would be far more probable that any of the other inmates of the house had put it there, and, of course, as to the water-closet, that was open to all, and, indeed, Mrs. Maybrick having been lying in a prostrate condition in bed for two whole days was the person most unlikely of all the inmates of the house to have put it there.

Superintendent Bryning "took particulars" on this day, but no disclosure has been made as to what they were. The medical men who had attended the post mortem were agreed that the cause of death was inflammation of the stomach and intestines (gastro-enteritis), set up by some irritant poison, but were unable to say what the irritant was.

The following is the evidence of the three medical men who made the post mortem—Drs. Humphreys, Carter, and Barron.

Dr. Humphreys' post mortem. Cause of death.

At the Magisterial Inquiry Dr. Humphreys said :—

"I attended the post-mortem examination with Drs. Carter and Barron. The conclusion I arrived at was that death was due to some irritant poison. I formed this opinion before death as well as after it. *I should not like to swear to the specific poison.* I found evidence of *an irritant poison* in the stomach

and bowels, but not in the liver. *We could not at that moment swear that he had had poison.* The appearances at the post mortem were consistent with congestion of the stomach, not necessarily caused by an irritant poison. The symptoms during life were consistent with acute inflammation of the stomach and intestines produced by any cause whatever." Diary.

Dr. Humphreys at the Trial in his examination in chief said—

"The conclusion I came to after having made the post mortem, recollecting the symptoms that he died of, I could only say that it was due to *some irritant poison, most probably arsenic, but I should not like to swear that it was.*"

And in cross-examination—

Q. When you used the words *irritant poison*, you meant any poison, as, for instance, *impure food* would cause those symptoms?

A. I mean, taking it apart from the analysis and the corrected statement, and said *that I did not know what the post-mortem appearance of an irritant would be*, but I say that an irritant food causing certain symptoms during life, like to that produced by an active poison, would probably produce a similar appearance after death.

Q. You have never assisted at a *post-mortem* examination of any person supposed to have died from arsenical poisoning? Post mortem.

A. No.

Q. I think I may ask you whether you have ever assisted at a post mortem when it was alleged that death had been due to irritant poisoning? Cause of death.

A. No.

So much for Dr. Humphreys. Treating an oath at a criminal trial as a serious thing, I quite perceive that this doctor, who "did not know what the post-mortem appearance of an irritant would be"—who had never assisted at a post-mortem examination, either where the person was supposed to have died from arsenic or from any irritant poison—would not like to assign the "cause of death" in any more positive words than those he used— Dr. Humphreys

"I could only say it was due to some irritant poison—most probably arsenic—but I should not like to swear that it was."

Dr. Carter, at the Inquest, said:— Dr. Carter.

Q. Did you form any opinion that he was suffering from poison until a suggestion was made to you?

A. No. I thought from the account I heard of his dining at the Wirral Races, I thought that—I told Mr. Michael Maybrick that—he must have taken some *irritant wine or decomposed food, or that there had been some grave error of diet.* I stated to Mr. Michael Maybrick that I thought something had occurred, accidental no doubt. It was not a disease *per se*, but I thought he had taken something that caused all this.

The Coroner: Had you any reason to suppose the article taken was poison?

A. *Yes; but by poison I would mean something that was bad. It might be bad tinned meat that he had partaken of at a race dinner—not a discreet dinner*—and perhaps wine had entered into it. His manner of life I did not know at the time, and I thought and said that he had taken something which set up gastritis.

DIARY.

Q. Having had an opportunity of helping at the post-mortem examination, I take it that you are of opinion that the deceased died from the effects of an *irritant poison, most probably* arsenic?

A. I am.

At the Trial, Dr. Carter, in his cross-examination, said :—

Q. *Have you yourself ever assisted at the post-mortem examination of a person as to whom it was alleged death had been caused by arsenic?*

A. Not by arsenic.

Q. Have you ever before attended a patient as to whom it was alleged death had been caused by arsenic?

A. Not death.

So much for Dr. Carter!

Dr. Barron.

Dr. Barron at the Inquest.

Post mortem.

Q. From what you saw at the post mortem what is your opinion of the cause of death?

A. That it was some irritant poison.

Q. Are you able to point to the particular poison?

A. No, not apart from the evidence.

Dr. Barron, at the Magisterial Inquiry, said :—

I assisted at the post-mortem examination with Dr. Humphreys and Dr. Carter.

Mr. Swift: *Do you agree with Dr. Carter's evidence given to-day as to the cause of death?*

A. *Not exactly.*

Q. *What, in your opinion, was the cause of death?*

A. I consider, from the post-mortem appearances, that death was due to inflammation of the stomach and bowels due to *some irritant poison.*

Q. *Can you say what sort of poison?*

A. *No.*

Q. *That is as far as you can go?*

A. *Yes.*

Mr. Pickford: Dr. Carter, when before the Coroner, said *he meant by poison* something that was bad—it might be bad tinned meat, bad wine, or an indiscreet dinner. *Do you look at poison in that wide way?*

Cause of death.

A. *Poison might be bad tinned meat, bad fish, mussels, or, generally, bad food of any kind, or alcohol in excess.*

Dr. Barron.

At the Trial Dr. Barron gave as evidence :—

Q. Have you had much to do with post-mortem examinations?

A. I have been pathologist to the Royal Infirmary for four years. *I do not know how many post-mortem examinations I have been present at. I should think about five hundred.*

Q. As regards gastro-enteritis, is it within your experience producible by other causes than arsenical poisoning, or by poisoning by *irritant?*

A. It is always produced to my mind by something entering the body from without. I agree with Dr. Carter that it never arises idiopathically.

Q. In other words, from some foreign cause, it may be impure food?

A. Yes, such as sausages in Germany.

Q. In cases where it is said to be from causes of this kind, is it possible to differentiate the symptoms from arsenical poisoning?

A. I should not be able to do so myself.

Now this being the evidence of Dr. Humphreys and Dr. Carter (who attended the deceased), and of Dr. Barron, who with them had made the post-mortem examination—and it will be observed that Dr. Humphreys and Dr. Carter had had no previous experience of deaths from arsenical poisoning—I wish to revert to the questions I pressed at the commencement of this treatise (see p. 2):— DIARY.

What was the information, and by whom given, which led Coroner Brighouse to make the specific statement that he made the day after the "post mortem"? viz.:— Coroner Brighouse.

May 14th, Tuesday, when he opened the Inquest merely for the purpose of identifying the body, and took no other evidence.

"The result of the post-mortem examination was that poison was found in the stomach of the deceased in sufficient quantity to justify further examination."

If, when he cast those words into the air, he merely meant that these doctors had found at the post mortem that the cause of death was inflammation of the stomach and bowels, set up by some irritant poison, the nature of which they did not know—that, to quote Dr. Humphreys' evidence, "the appearances at the post mortem were consistent with congestion of the stomach, not necessarily caused by an irritant poison," and, to quote Dr. Carter's and Dr. Barron's evidence, that "an irritant poison might be bad food or bad wine, or an indiscreet dinner or excess of alcohol"—what right had Coroner Brighouse to cast such words into the air, and to set such a mystery afloat?—indeed, what right had he to say that "poison had been found in the stomach of the deceased" in sufficient or any quantity? The doctors who made the post-mortem examination had not "found any poison" at all; all they had done was to come to the conclusion that the cause of death was inflammation of the stomach, and that it had been set up by some irritant which had disagreed with him.

Superintendent Bryning had been present at the post mortem, and knew that the doctors had not "found any poison in the stomach of the deceased" at all. It could not, therefore, have been either from the doctors or from the police that Coroner Brighouse had received that information which led him to make such a statement as that! Superintendent Bryning.

Now who was it who prompted him to make that sensational statement, and to follow it up with the mysterious announcement that—

"On the result of analysis would depend the question whether or not criminal proceedings against some person would follow"?

Superintendent Bryning.

On this same Tuesday, the 14th, Superintendent Bryning, who had been present at the post mortem, and to whom the jars containing the portions of the body which had been selected for analysis had been handed, and who was then about to hand them to Mr. Davies for analysis, to see if there was any poison in them, went into Mrs. Maybrick's bedroom, while she was lying ill in bed, and carefully selecting very *indefinite* words, said to her—

"Mrs. Maybrick, you are in custody on suspicion of causing the death of your late husband, Mr. James Maybrick, on the 11th of this month."

It will be remembered that on Wednesday night, the 8th, Michael Maybrick had come down from London, and had walked into the house, and gone straight at her, and worried the poor woman in the way I have already described by telling her that she had neglected providing proper nurses and doctors for her sick husband.

"I told her I had strong suspicions of the case. Then she asked me what I meant. I said my suspicions were that he had not been properly attended to; that he ought to have had a professional nurse and a second doctor earlier."

Michael Maybrick.

Michael Maybrick had worried this poor woman in this way instead of complaining (if he really thought James Maybrick had been neglected) to his brother Edwin, who had been staying in the house, and would have been to blame if James Maybrick had really been neglected. And then he and Edwin took the place by storm, and got Nurse Gore to act as their coadjutor and simply deposed Mrs. Maybrick from her position in the house, and from attending on her husband, without assigning any other reason for it; and now, while her husband was lying dead in the house, and while she was lying thus prostrate in bed, Superintendent Bryning walked into her bedroom and said to her—

"Mrs. Maybrick, you are in custody on suspicion of causing the death of your husband"!

Superintendent Bryning put a policeman at the open bedroom door of this woman, lying ill in bed, and the same professional nurses, Gore and Wilson, who had been set by Michael and Edwin Maybrick to act as amateur detectives, and prevent her from even attending on her husband, were in charge of her. The next thing is that Mrs. Briggs, her old and confidential friend, comes in, and informs her that the reason for "suspicions" is that arsenic had been found in a bottle of Valentine's Meat Juice. When Mrs. Maybrick heard that, she at once attempted to explain that she had, at her husband's request, put a powder into a bottle of Valentine's Meat Juice, but did not know the nature of the powder. Thereupon the policeman at the

Mrs. Maybrick's statement.

door peremptorily ordered her to be silent. Mr. Justice Stephen told the jury that it was "kind and honourable" of the policeman to stop the conversation!! Directly, however, she had an opportunity of explaining it, she told her solicitors, Messrs. Richard and Arnold Cleaver, what she had done (and this was long before even the Inquest, which, though formally opened on that same Tuesday, was adjourned for a fortnight), and she voluntarily made the same statement to the Jury. In that statement she said :—

The kind and honourable policeman.

"It was only when Mrs. Briggs alluded to the presence of arsenic that I was made aware of the nature of the powder my husband had asked me to give him. I then attempted to make an explanation to Mrs. Briggs, such as I am now making to your lordship, when a policeman interrupted the conversation and put a stop to it."

Now, I will ask who was it who told Mrs. Briggs that "arsenic had been found in the meat juice"? We have already had it that the Coroner on the same day had said that "poison had been found in the stomach of the deceased," when none had in fact been found. It appears to me that somebody was scattering the word "arsenic" about very freely! Now, who was it? Was it one of the "suspecting five"—

Mrs. Briggs.

Alice Yapp,
Michael Maybrick,
Edwin Maybrick,
Mrs. Briggs, and
Mrs. Hughes,

The suspecting five.

who, directly after death, had gone and put their hands upon a lot of arsenic? Alice Yapp had produced a packet of *black powder* labelled "Arsenic. Poison for Cats," on Saturday night, out of an open trunk, and the others found, in a place open and accessible to everybody, some bottles containing, as it afterwards turned out on analysis, arsenic in solution—both *black* solution and *white* solution—which no one had ever seen in the house before, and the police have not been able to discover where it came from or who brought it there! And now we find Mrs. Briggs telling Mrs. Maybrick on this Tuesday morning, the 14th, that "arsenic had been found in the meat juice"!! Now, who had told Mrs. Briggs this? As a matter of fact Dr. Carter had gone home late on the Saturday night (for he did not leave the house until James Maybrick's death at 8-40 p.m.), and taken the bottle of meat juice with him, and made some further tests with Marsh's test, and it was not till then that he had found the "presence of arsenic" in it, and being unable to find any crystals of arsenic, or, in other words, arsenic in a solid form, he had conjectured that it was "arsenic in solution." He had not, however, found a sufficient quantity to weigh, and had not made any quantitative analysis, and even then could only describe it as the "*presence of arsenic*!" Mr. Davies,

Mrs. Briggs.

Mrs. Briggs.

on Sunday morning, the 12th, had also found the "*presence of arsenic*"/ but it was not until several days afterwards, viz., not until the 23rd of May, that he weighed and determined the quantity. Mr. Davies' evidence at the Trial was:—

"On May 11th, Saturday, Dr. Carter came to me and gave me a bottle of Valentine's meat juice. That was the first matter I had in connection with the case. On Sunday morning, the 12th, I examined the meat juice. It had been locked up during the night."

Q. With what result?

A. I found the *presence of arsenic*. At a subsequent period I determined the amount. On the 23rd of May I found in the quantity of meat juice which had been brought to me originally half a grain of arsenic. By that I mean white oxide of arsenic.

Q. Can you tell me how that arsenic had been put in—in solution or solid?

A. It had been put in, I believe, in solution, because *there was no solid arsenic in it. I examined it carefully*, and the specific gravity of it was less than that of another sample which did not contain arsenic.

Of course, it might be said that, although it would have been rash for either of these scientific men to have cast into the air such words as that they had "found arsenic in the meat juice" until they had actually found a weighable quantity, such as Mr. Davies found on the 23rd, when up to this time they had merely found "the presence of arsenic," still these scientific men might have been weak and indiscreet, and Mrs. Briggs might have derived her information from them. But then they could not have told her this *before* James Maybrick's death, because neither of them had found even the "presence of arsenic" until after James Maybrick's death. Neither Mrs. Briggs nor anybody else could have been told by either of them that "arsenic had been found in the meat juice" on Saturday! But then Mrs. Briggs gave the following evidence at the Trial, which shows that her information was not obtained from either Dr. Carter or Mr. Davies, but from some one who must have known that there was arsenic in it before even the "presence of arsenic" had been discovered by either Dr. Carter or Mr. Davies; and if so, who was her informant? and how came her informant to know that there was any arsenic in it? It is a very "suspicious circumstance." Mrs. Briggs's evidence at the Trial was—

Q. It was upon the conversation [Tuesday, 14th May] in this room that the policeman said you must have no conversation?

A. Yes.

Re-examined by Mr. Addison:—

Q. When did you first know that there were traces of poison in the Valentine's meat juice?

A. I really can't remember.

Q. When did you first learn it? You know you left the house on Wednesday, the 15th, and he died on Saturday, the 11th. *Did you know it before he died?* Mrs. Briggs.

A. I think so.

Q. Before or after his death?

A. *Before his death.*

Then Mrs. Hughes (Mrs. Briggs' sister) also says in her evidence at the Trial:—

Q. Do you recollect hearing that *arsenic* was traced, and had been found in a bottle of Valentine's meat juice?

A. Yes.

Q. When did you learn about the Valentine's meat juice? Did you learn this on Saturday or Sunday?

A. *I heard that on Saturday.*

Q. Was it from Dr. Carter you heard it?

A. No.

Q. From whom?

A. Mr. Michael Maybrick.

The Judge.—On which day did you hear about the Valentine's meat juice?

A. On Saturday evening.

So we know that Michael Maybrick was Mrs. Hughes's informant.

Now, how came Michael Maybrick to know that arsenic had been found in the meat juice on Saturday? Dr. Carter had certainly not told him so; on the contrary, he had told him on that Saturday that all he had found up till then in the meat juice was "a metallic deposit upon the copper," and he had taken the bottle back with him on Saturday night to test—make further tests, and ascertain what the "metallic deposit" was!

At the Trial, in fact, Dr. Carter said :—

Q. *That deposit would come from any metallic substance?*

A. *Yes.*

Moreover, Dr. Carter said he was very careful (as, indeed, it would have been outrageous if he had not been very careful) to point out that before he came to any conclusion as to what it was he must make further tests, and as he said at the Trial, that he—

"must get a bottle which he could be quite sure had not been opened for the purpose of further test, *as the sample tested might have some impurity in it,*"

Dr. Carter certainly could not (even if he had been so outrageously indiscreet as to have breathed the word "arsenic" to Michael Maybrick, until he was quite sure that the "metallic deposit" was arsenic) have told Michael Maybrick, on Saturday, that "arsenic had been found in the meat juice," because he did not know it himself, and nobody else except himself had tested it then.

Mrs. Briggs.

Now I again repeat the question—Who was it that told Mrs. Briggs *before* James Maybrick's death about poison having been found in the meat juice? How came Michael Maybrick to tell Mrs. Hughes on Saturday that "arsenic had been found in the meat juice"? But this is not all. Somebody, as I have said, was throwing the word arsenic about very freely—who was it?

Michael Maybrick, Edwin Maybrick, Mrs. Briggs, and Mrs. Hughes had, as I have said, found some bottles in the dressing room *after death* on Sunday morning, 12th May. Those bottles contained some of them a *white solution* and some of them a *black solution*. How came Mrs. Briggs to know on this Tuesday that these solutions were arsenic? Edwin Maybrick had locked up the dressing room on Sunday morning, and handed these bottles to Inspector Baxendale at 8-30 p.m. that Sunday night, and Inspector Baxendale had taken them home with him that night and kept them, locked them up in a cupboard, and it was not until Tuesday, the 14th, that he handed them to Mr. Davies, who gave a receipt for them to him on that day. How could Mrs. Briggs have known what those *white* and *black solutions* in those bottles were? She could not have told from merely looking at them. Perhaps Mrs. Briggs thought arsenic was *black!* and, seeing a *black* solution, thought it was arsenic! And yet in her evidence at the Trial she said that on that Tuesday morning when she went in to Mrs. Maybrick and told her that "arsenic had been found in the meat juice," she also knew that these bottles contained solution of arsenic! Now, how came she to know? Had any one told her? If so, who was it?

Q. Did it also come to your knowledge that arsenic had been found in some one or most of certain bottles which will be pointed to more particularly hereafter? That was so, was it not?

A. Yes.

Q. Do you recollect hearing that arsenic was found in certain bottles?

A. Yes.

Q. I am alluding to the time when you had the conversation with Mrs. Maybrick herself.

A. Yes.

Q. Do you recollect telling her that fact?

A. I think I mentioned it.

Q. Now, do you know whether any other poison was found in the house?

A. I do not remember. There were so many bottles that I cannot remember. *I heard there had been poison found in the bottles.*

She could not have heard this from Mr. Davies, for he had not analysed them then! It seems evident that if she had heard it from any one, she must have heard it from some one who knew already that arsenic was in them? Now, who was that person? That person probably knows where all this arsenic came from. And why did not the police find this out? Why did not Sir Charles Russell—why did not Mr. Justice Stephen ask Mrs. Briggs who told her?

But this visit of this old friend and neighbour Mrs. Briggs to Mrs. Maybrick did not end there. Mrs. Briggs having revealed to Mrs. Maybrick that "arsenic had been found in a bottle of Valentine's Meat Juice" (and that "arsenic had been found in some bottles"), suggested to her that she should write a letter to Brierley, asking him to help her, and then handed the letter to the policeman at the door, who intercepted it, and never sent it to Brierley.

The following is the letter; and it was addressed to Mr. A. Brierley, 60, Huskisson Street :—

Mrs. Maybrick's letter to Brierley.

"Battlecrease House, Aigburth.

"I am writing you to give me every assistance in your power in my present fearful trouble. I am in custody, without any of my family with me, and without money. I have cabled to my solicitor in New York to come here at once. In the meantime send some money for present needs. The truth is known about my visit to London. Your last letter is at present in the hands of the police. Appearances may be against me, but, before God, I swear I am innocent.

"FLORENCE E. MAYBRICK."

Mrs. Briggs.

It does not appear from this that Mrs. Briggs had told Mrs. Maybrick that any letter of hers to Brierley had been intercepted. Mrs. Briggs says she "had some conversation with her about Brierley." Mrs. Briggs was the person to whom Mrs. Maybrick went, as a confidential friend, at the time of the quarrel with her husband, about walking on the racecourse at the Grand National with Brierley; and Mrs. Maybrick refers only to Brierley's letter to her—"Your last letter is at present in the hands of the police;" she makes no reference to any letter of her own—at any rate, it does not appear that either Mrs. Briggs or Mrs. Maybrick knew anything about the letter having been intercepted, as alleged, by Alice Yapp, on Wednesday, the 8th; in fact, it does not appear in the evidence when Mrs. Maybrick first heard of that letter having been intercepted.

[NOTE.—*Mrs. Briggs made the following statement to the interviewer of the "Liverpool Daily Post," 15th August*, 1889 :—

"When did you first hear anything about the letter opened by Alice Yapp?

"I knew nothing about it until it was publicly mentioned, and I was perfectly ignorant of Mrs. Maybrick's intrigue with Mr. Brierley."—*A. W. McD.*]

As regards the cablegram which Mrs. Maybrick refers to as having sent to her solicitor in New York, Michael Maybrick gave the following evidence at the Magisterial Inquiry:—

Q. Was there one to New York, which was not sent as Mrs. Maybrick wished?

A. *There was one detained. I gave it to Inspector Baxendale, but he detained it, saying it was not important.*

Mrs. Briggs.

This is a most extraordinary thing for a policeman to do! What right had he to detain it, or to say whether it was important or not? Michael says he sent it on himself the next day. Did he think it important the next day? Why was it detained one moment?

Mrs. Briggs' evidence at the Inquest, about her suggesting to Mrs. Maybrick to write to Brierley for money, is—

Mr. Pickford.—Did you know whom she was writing the letter to—the letter you gave to the police?

A. Yes.

Q. At the time of writing it?

A. Yes.

Q. And did you give any advice as to writing the letter, as to whether she ought or ought not to write to this gentleman for assistance?

A. I warned her; but I don't remember what I did. We had some conversation on the subject.

Q. You cannot recollect whether you gave her any advice or not; is that so?

A. I don't think I advised her to write to him.

Q. Did you suggest writing to her?

A. I don't remember.

Q. It seems strange that you cannot recollect whether or not you suggested that she should write to this gentleman?

A. I might have said that if he [meaning Brierley] knew, he might send her some money.

Q. She told him, I suppose, that she was in want of money?

A. Yes.

Q. *Did she tell you that she wanted money for telegrams and stamps?*

A. Yes.

Q. I suppose then you suggested that if Mr. Brierley knew he might send her money?

A. Yes.

Q. And then she wrote?

A. Yes.

Q. Did you tell her it was your intention to hand that letter to the police?

A. Yes. I said it was not right——

Mr. Pickford (interrupting): Did you tell her before she gave you the letter that you yourself intended to hand that to the police?

A. Yes, the police were at the door.

Q. Did you tell her, is my question, that you intended to hand it to the police?

A. Certainly.

The Coroner: Before she wrote the letter?

A. Yes; I told her to telegraph.

At the Magisterial Inquiry Mrs. Briggs' evidence was that—

"It was written because she was in want of money and stamps. She told me this. I did not know that she had been unable to send a telegram to her mother because she had not the money to pay for it. *I suggested to her to write to Brierley for money.* I said, 'Perhaps Mr. Brierley will help you.' I suggested it in sarcasm. She acted on it, and wrote to him in my presence."

Let us dwell for one moment on this scene, and try to picture it to our mind's eye!

And at the Trial Mrs. Briggs' evidence was :—

Mrs. Briggs' sarcasm.

Q. With regard to this letter [to Mr. Brierley], is it not a fact that you suggested the writing of it?

A. *I did it in sarcasm.*

Q. You were examined before a coroner's jury—did you say one word about making the suggestion in sarcasm then?

A. No, I was too nervous.

Q. At all events, whether you suggested it in sarcasm or not, you suggested it?

A. Yes.

Q. And when handed to you it was open?

A. Yes.

Q. You did not require to tear the envelope open to see the contents?

A. No.

Q. You were asked to read it?

A. Yes.

Q. And when you saw the writing did you expostulate with her for writing?

A. No.

Q. Then, when she had written it and handed it to you to read, did you say you would hand it to the policeman?

A. Yes, if she wished it to go.

Q. And you know, as a matter of fact, that it never reached its destination?

A. Yes.

Mrs. Maybrick, deserted and alone, without friends and without money, lying ill in bed in custody of policemen and professional nurses—and in this, her hour of extreme and bitter distress, not knowing to whom to turn or what to do—at such a moment Mrs. Briggs, her confidential friend, comes in to see her; has some conversation with her about Brierley, suggests that she should write to Brierley; and she boasted on oath before the men and women of Liverpool that she did so "in sarcasm"! and then took the letter and handed it to the policeman at the door! Mrs. Briggs did not offer to let her have any money herself, or even to take a message for her to Brierley—perhaps she did not want to be "sarcastic" with Brierley! We know the masculine name for a confidential friend of this species of humanity—we call him *a Judas;* we have now got the feminine name—Liverpool has supplied us with a name—*Mrs. Briggs!!*

Now, why, in the name of fair play and honesty, did not this letter to Brierley reach its destination? What right had this policeman to intercept this letter? The police had Mrs. Maybrick in custody, that was all! She had not been committed, or even charged! A few minutes before, Superintendent Bryning had walked into her bedroom, and chosen to say to her, in indefinite language :—

"Mrs. Maybrick, you are in custody on suspicion of causing the death of your husband"!

Mr. Justice Stephen told the Jury that it was "kind and honourable" of this policeman to stop Mrs. Maybrick saying anything to Mrs. Briggs, when Mrs. Briggs revealed to her what the "suspicion" consisted of.

Was it also "kind and honourable" of this policeman to let her write something down and then intercept it in this way?

This policeman must have been acting in some other than public interests in preventing this woman (who had no money, even to send a telegram to her mother), applying to Brierley, or any one else, to help her in her "present fearful trouble"—"*I am in custody, without any of my family with me, and without money.*"

In the name of fair play and honesty, why did not that letter reach its destination? Was it also "kind and honourable" of a policeman to detain her telegram to her solicitor?

At that time, on that Tuesday, the 14th of May, there had been no charge made against her. If so, who had charged her? and what was the charge?

And then again, how came the police to allow this Mrs. Briggs—this sarcastic Mrs. Briggs—to remain in that house, after she had shown such unfriendly sarcasm? and to ransack it for incriminatory materials against Mrs. Maybrick, as a sort of assistant for the police in making up a case against Mrs. Maybrick?

Messrs. Cleaver instructed.

[NOTE.—*After leaving her in that way for some days while these unfriendly people ransacked the house for incriminatory materials, Michael Maybrick instructed Messrs. Cleaver to act as her solicitors; but, as he subsequently told a newspaper interviewer, being "a witness for the prosecution," he refused to provide any money for the defence of the widow of his brother, whose Trustee and universal legatee he was! and it was not until Thursday, the 16th, that he sent for her mother, who was in Paris. On that day he sent this telegram to the Baroness de Roque, Paris—*

"Florrie ill, and in awful trouble. Do not delay."

Now, why had he delayed all this time? Why did he not at once, directly Mrs. Maybrick was ill and in awful trouble, telegraph for her only relative and mother? Did he delay doing this also because he was "a witness for the prosecution?" Did he delay it until the police and the witnesses for the prosecution had had time to ransack that house and see what they could find? Her mother arrived on Friday, the 17th. I refer my readers to her account of her reception on arrival. See pp. 9—12.—*A. W. McD.*]

On Saturday, the 18th, Colonel Bidwell, a magistrate, opened a magisterial court in her bedroom. Her solicitors, Messrs. Richard and Arnold Cleaver, having previously held a parley outside the house with Colonel Bidwell, Mr. Swift, the magistrates' clerk, and Superintendent Bryning complaisantly consented to a remand, and

without hearing any evidence in her presence, Colonel Bidwell ordered her removal from her bed while lying in the prostrate condition described on page 8, upon the following statement by Superintendent Bryning :—

> Superintendent Bryning, who had taken up his position at the foot of the bed, said: This person is Mrs. Maybrick, wife of the late James Maybrick. She is charged *with having caused his death by administering poison to him.* I understand her consent is given to a remand, and *therefore I need not introduce any evidence.*
>
> Mr. Swift: You ask for a remand of eight days?
>
> Superintendent Bryning: Yes, that is so.
>
> Mr. Arnold Cleaver: I appear for the prisoner, and consent to a remand.
>
> Colonel Bidwell: Very well. That is all.

Now I trust that my readers, one and all, will try to conceive such proceedings occurring in their own houses! to their own wives or sisters or daughters! If they can conceive this they will promptly ask themselves the question, so forcibly addressed to us all in his quaint language by Bret Harte :—

> Are things what they seem?
> Or is visions about?
> Is civilisation a failure?

This is how in an English house a young American woman, without a friend to protect her, without money even to telegraph for her mother (even if the "kind and honourable" policeman at the door would have permitted any message reaching its destination!), lying ill in bed in charge of police and unfriendly nurses—in a house over which these unfriendly brothers-in-law, Michael, Edwin and Thomas Maybrick, had usurped control—in a house where, to use the words of her statement to the Jury—

> "My lord, I had not one true and honest friend in the house. I had no one to consult and no one to advise me."

On this Saturday, 18th of May, she was removed from her home "to Walton Gaol, accompanied by Superintendent Bryning, Dr. Humphreys, and a nurse," where she was "immediately conveyed to the hospital," and where "she still remained in a very prostrate condition." 18th May

[NOTE.—*It will be remembered that the Baroness de Roque, in her account of her reception on arrival (see page 12), says that "Dr. Humphreys told her that as she had no money he had let her have a few shillings himself."—A. W. McD.*]

The Maybrick brothers, assisted by Alice Yapp, Mrs. Briggs, Mrs. Hughes, and the police, continued to ransack that house, her private letters, and everything—however, I shall have to deal with this search separately. See Search on Premises.

[NOTE.—*On this Saturday, 18th, Michael Maybrick, as I am informed by Elizabeth Humphreys, the cook, and Mary Cadwallader, the parlour-maid, told the servants to get ready and leave the house on Monday, as "the will had been left very awkward."—A. W. McD.*]

Mrs. Maybrick, from that day forward, has been in gaol. I shall now briefly set out in the form of a diary the dates of the several "proceedings in the court," and shall again urge my readers to reflect whether any household is safe, if criminal proceedings are to be permitted to be conducted in such a way?

27th May.—Mrs. Maybrick being too ill to be taken from Walton Gaol to the magistrates' court, the Magisterial Inquiry was again adjourned, Messrs. Cleaver consenting to another remand!

Again no evidence was given in the presence of the prisoner.

PROCEEDINGS IN COURT.

28th May.

Coroner's inquest.

28th May.—The Coroner's Inquest, which had been formally opened on the 14th for the identification of the deceased by his brother Michael, was opened by Coroner Brighouse. Mrs. Maybrick was too ill to be present, but she was represented by Mr. Pickford, as counsel, instructed by Messrs. Cleaver. No evidence either by the doctors or by the analyst was given on this occasion concerning the "cause of death," and the Coroner, in opening the proceedings, announced that an adjournment of a week had been prearranged—

"In order that the analysis of the deceased's viscera by Mr. Davies might be completed."

THE CORONER'S INQUEST.

The duties of a coroner.

It is necessary in the consideration of the Maybrick Case, that it should be clearly understood and kept in mind what the nature of a coroner's inquest is. It most emphatically is not a trial of an accused person. No person whatever is on trial before a coroner's jury. The only thing before a coroner's jury is a dead body which they have viewed, and the jury are summoned by the coroner to make an inquiry into the circumstances under which that death occurred. The inquiry in fact centres round the corpse. The coroner who presides in that court, although his office as representing the Crown is in fact judicial, is not sitting in a judicial capacity—in fact, as I have said, there is no accused person before the jury, but merely the corpse—he sits there in the capacity of president of the court, to maintain order, and he holds (to use Coroner Brighouse's description of it at this inquest) "a roving commission to take whatever is tendered." His duties are to

arrange the order in which any information is tendered, and to confine it to matters connected with the circumstances under which death had occurred. It is only when the jury have returned their verdict that his judicial function comes into operation, under which he commits to prison for trial any person designated by the jury as responsible for the death of the body they have viewed. That information is given on oath, and is consequently in its broad sense "evidence,"—but the use of the word causes a confusion of thought, and it is very necessary that there should be no such confusion of thought arising out of this word "evidence."

The evidence at an Inquest is evidence concerning the corpse, and is emphatically not evidence against any living person. For example, at a Coroner's Inquest—at his "roving commission to take whatever is tendered"—the Coroner's Jury can hear as "information on oath," or "evidence," anything which A said to B, or C said to D, and so on; but at the *Trial of an accused person* no "evidence" of what A said to B, or what C said to D, and so on, can be given unless what was said had been said in the presence of the accused person.

There being no accused person before the Coroner's Jury, but only a corpse, there are no limits whatever to the "evidence" which may be tendered, except such limits as the Coroner, when presiding over the Court, considers it necessary to fix, in order to keep it to the question of how the person whose corpse they had viewed had met with death.

Now, keeping this in mind, and reminding my readers that on the Tuesday the 14th of May, Coroner Brighouse having summoned a jury to consider the circumstances touching the death of James Maybrick, which had occurred on the 11th, adjourned the Inquest after taking the formal evidence of Michael Maybrick identifying the body, on the ground that the result of a post-mortem examination was—

> "That poison was found in the stomach of the deceased in such quantities as to justify further examination."

And the Jury having been taken to view the corpse, the Inquest was adjourned to the 28th of May, in order that during the adjournment—

> "The stomach and its contents might be chemically analysed."

This being the order of things, I must introduce here the following incident which occurred, but which did not publicly transpire until the last day of the Inquest, in fact, until the whole of the evidence (except formally putting in a letter) had been concluded.

Foreman of coroner's jury.

Mr. Pickford (interposing) said: I understand a communication was made to you, Mr. Coroner, on the first sitting [14th of May,] by a gentleman originally sworn in as foreman of the jury, and I should like to know whether it is proposed to call him or not?

The Coroner: No.

Mr. Pickford: I understood it was something so important that the gentleman thought he ought not to sit upon the jury.

The Coroner: I feel certain it is not relevant. *The foreman went to view the body, and then made a statement. I communicated it to Mr. Steel, who was then acting for the relatives, and to Superintendent Bryning*; and I said, If you think this statement is *useful to you*, and that it is evidence, and *that the foreman ought to appear as a witness*, then I will discharge him. They both thought that would be the better course for me to discharge him, and I did so.

Now, I want to draw attention to this—the Coroner said he communicated this to *Mr. Steel, who was then acting for the relatives, and to Superintendent Bryning.* Well, the relatives referred to were the brothers Maybrick, the "witnesses for the Prosecution"!

Mr. Steel was not acting for Mrs. Maybrick! She was lying at that time ill in bed, surrounded by policemen, under the orders of Superintendent Bryning, and Superintendent Bryning was getting up the case against her! Mrs. Maybrick was not represented by any one then, and the Coroner knew that she was "suspected" by these brothers Maybrick and by Superintendent Bryning! And I again, therefore, press for the information which was given to Coroner Brighouse, which led him on that occasion—on the occasion when this incident occurred—at the formal opening of the Inquest, on the 14th of May, to make the sensational and mysterious announcement to which I have already adverted (see page 1), that—

"On the result of the analysis would depend the question whether or not criminal proceedings against some person would follow."

And I also call for this statement made by the foreman of the Jury when he went to view the corpse, which, after asking *Mr. Steel* and *Superintendent Bryning* whether it would be *useful to them as evidence*, they agreed among themselves was so important that it would be better for the Coroner to discharge the foreman of the Jury, which he did.

Now, why was not that statement brought before the Coroner's Jury?

Mr. Pickford thereupon said—

"I rather gathered it had been a statement *favourable to my client Mrs. Maybrick*—or contrary to the theory set up against her, and I supposed the gentleman had been warned to be present. *Do you say it was a matter you would not allow to go before the jury?*

The Coroner: *I ought not to tell the jury.*

This is not at all satisfactory, and I insist that a statement

made by a foreman of the Jury when he went to view the body, of such importance that the solicitors of the brothers Maybrick, Superintendent Bryning and the Coroner agreed among themselves, made it advisable to discharge him, ought to have been communicated to the Coroner's Jury.

The Coroner then went on to say:—

"The gentleman called upon Mr. Cleaver and gave him his statement, and therefore it rests with Mr. Cleaver or Mr. Bryning to call him."

Mr. Pickford: That is not quite correct.

This is very odd!—and moreover, how could the Coroner know what statement the gentleman made to Mr. Cleaver? The question is, what statement did this foreman to the Jury make to the Coroner himself—and which the Coroner, and Mr. Steel, representing the brothers Maybrick, and Superintendent Bryning regarded of such importance as to render it advisable to discharge him. Why did not the Coroner call this discharged foreman as a witness to make that important statement to the Jury, who, and not the Coroner, were summoned to return their verdict as to the cause of the death of James Maybrick. Why did the Coroner say it rested with Mr. Cleaver or Mr. Bryning or anybody else to call him? That there may be no mistake about the Coroner being perfectly well aware of what his duties were as to calling witnesses, I will quote a few remarks which had been previously made on different occasions during this Inquest.

Superintendent Bryning (addressing the Coroner): It would be utterly wrong for me to attempt to dictate to you what course the evidence should take if it should seem desirable to you to take the medical evidence.

Then on another occasion—

The Coroner: Then we have the letter signed A. B. before us, and we are in this position—we have not Mrs. Maybrick before us—we have nobody. It may be that C D E F and G are implicated, and, anyhow, the police can put the letter in, and it will be for me to say whether it is to go to the jury."

There can, in fact, be no doubt that Coroner Brighouse understood perfectly well what his duty was, and that it was for him and not for Mr. Cleaver or Superintendent Bryning or anybody else to regulate what evidence should be taken and what was relevant to the inquiry.

Then the Coroner went on—

"*It was a statement made by deceased,* and not in the presence *of a certain other person.* Deceased was not at the time in fear of death, and I don't see how the statement could be evidence."

Now this is a most extraordinary example of the confusion of thought about the word *evidence.* The "certain other person" whom the Coroner had in his mind was of course Mrs. Maybrick.

But this was not a trial of Mrs. Maybrick, it was an Inquest, and the Coroner was absolutely unfettered by any such rules of evidence as that a statement made by the deceased was not made in the *presence* of Mrs. Maybrick or any other "certain other person." If it was a statement made by the deceased to any person on earth, and if that statement was in any way relevant to the matter which the Coroner's Jury were summoned to investigate, that statement ought to have been put before them. The only ground upon which the Coroner had any right whatever to presume to keep it back from the Jury, was that it was irrelevant to the question "How James Maybrick came by his death?" That it was not irrelevant is manifest, because Mr. Steele, the solicitor for the brothers Maybrick, Superintendent Bryning, and the Coroner had agreed among themselves that it was a statement of such importance as to necessitate the discharging of the foreman of the Jury who had seen the body, and who had made that statement.

Do not let us pass this over. Do not let us permit Coroners to assume judicial functions until the Jury have found their verdict! Do not let us permit Coroners' Inquests to assume any such character as *Trials of the accused persons!* The institution of Coroner's Inquest is one of the greatest safeguards of life. It is the verdict of a Coroner's Jury, after making an investigation into the circumstances connected with the death of any person—the cause of whose death is not known, which indicates whether criminal proceedings shall be taken against a "certain other person," or against A B C or D. Do not let us permit Coroners to limit the scope of such an investigation by assuming judicial functions, and ruling that this or that piece of information—this or that statement—is or is not "evidence!" It is vital to the usefulness of Coroners' Inquests that there should be no limit of any kind put upon "any information on oath" which can be obtained concerning the cause of the death of the body they have viewed, so long as it is relevant in any way to that inquiry. A Coroner's Jury must hold "a roving commission to take everything which is tendered," whether it affects A, B, C, or D, and the Coroner must not be permitted to put any limit upon any such information so long as it is relevant to the issue before the jury.

But Coroner Brighouse having taken upon himself to rule that, because a statement—a statement of such material importance to the inquiry that he discharged the foreman—a statement said to have been made by the deceased himself could not be "*evidence*," because the deceased had not made it in the presence of a "certain other person," Mr. Pickford mildly remonstrated :—

"*I understand it was a statement as to the cause of his illness made to this gentleman.* It certainly would not be 'evidence' against my client, but

whether it would be 'evidence' as to the cause of death, I don't know. I confess I have not the knowledge you have as to what is 'evidence' at investigations of the kind; if hostile, it would not be 'evidence' against my client."

Is it possible that Mr. Pickford, a learned Counsel, should be in the slightest doubt about such a thing as this? His client, Mrs. Maybrick, was not on her Trial.

So the Coroner replied, and his reply is of a most extraordinary nature. It begins by saying that he had, during the inquiry, ruled out any "evidence" which would not be evidence at the Trial of an accused person, and then in the next breath he says that he has a roving commission to take everything that is tendered.

Coroner Brighouse, in fact, laid claims to exercise the functions of a judge presiding over a trial of an *unaccused person*, and of a Coroner presiding over an inquiry to ascertain whether that person ought to be accused.

I trust that every reader of this treatise will "read, mark, learn, and inwardly digest" the following words, in which Coroner Brighouse defined what he conceived to be his functions as a Coroner. Such functions entrusted to any Coroner would destroy what is the chief safeguard of life in this country—the usefulness of a Coroner's Inquest.

The Coroner: I think you have gathered when Mr. Bryning has given evidence *which would not be evidence before the Magistrates, I have ruled against it.* At the same time, I feel I *have a roving commission to take whatever is tendered, presuming it may apply to A, B, C, or D.*

Whereupon Mr. Pickford subsides, and remarks:—

"I say no more about it if you don't think it right to go before the jury."

And there the matter dropped, and it did not go before the Jury, and is left to the world as a mystery!

Let us know what this suppressed statement was!

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And now to resume the narrative. It will be remembered that at the formal opening of the Inquest on the 14th of May Coroner Brighouse had adjourned it for a fortnight, viz., to this 28th of May, on the grounds that the result of the post mortem was—

"That poison was found in the stomach of the deceased in such quantities as to justify further examination. For this purpose the stomach and its contents would be chemically analysed, and on the result of that analysis would depend the question whether or not criminal proceedings against some person would follow."

As it was now disclosed that the "some person" referred to was Mrs. Maybrick, and as she, not being well enough to be present, was represented by her legal advisers, it strikes me as odd that Mr. Pickford, being present, did not ask that the first evidence given should be the result of Mr. Davies's analysis of the portions

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of the body sent to him for analysis on the 14th; that, as the Coroner's Inquest was held to investigate how and by what means Mr. James Maybrick came by his death, some evidence should at once be given as to what was the "cause of death"! and protest that until such evidence was given it was intolerable that a Coroner's Jury should be set to inquire into any social scandals connected with Mrs. Maybrick or anybody else. At a later stage of the Inquest, and after the social scandal had, however, been thus dragged out, the Coroner himself seems to have had a twinge of conscience about it, because at a later day, when it was proposed to read some letters, he said:—

"So long as we get a decision from the jury on the matter of issue—viz., how Mr. Maybrick came by his death—so long as we get this, I don't see any necessity to read all these letters as food for gossip."

I think it is a pity this did not occur to Coroner Brighouse at the first, instead of waiting until the "food for gossip" had been administered to the "thirty or forty representatives of the press"!

Coroner's jury.

The following formed the Coroner's Jury: W. H. Bowring, Fletcher Rogers, Walter Harris, A. Schlerwater, R. Blackwell, T. C. Morris, W. C. Atkinson, F. Pyemont, T. Barker, E. Davies, S. Laken, J. Lockett, H. Leyland, and W. H. Greenham. The *Liverpool Daily Post* of 29th May, describing this inquest, made the following sensational announcement about it:—

Liverpool Daily Post.

"What has become known to the local public as the 'Aigburth Mystery' reached a more crucial stage yesterday, when the police unfolded the first part of their budget of evidence before Mr. Coroner Brighouse. It had been arranged that the largest public room which Garston can boast of should be placed at the disposal of the authorities, and the old Police Court, situated in Wellington Road, was accordingly hired for the purpose. It was certainly roomy enough to accommodate the elaborate array of lawyers, reporters, witnesses, and spectators who attended, but from an acoustic point of view it was almost as bad a building as could be selected. The pressmen experienced the utmost difficulty in hearing, and for twelve mortal hours over which the proceedings extended many of them had to take notes in all sorts of positions—standing up between serried ranks of policemen, on their knees, sometimes almost on the backs of learned counsel, and in various other awkward positions, for it was found impossible to hear at the tables assigned to them."

And the reporter then went on to say:—

"The Coroner, as if to make amends for the secrecy with which he carried out the preliminary inquest, was extremely courteous to the thirty or forty journalists who were drawn to the spot."

Coroner Brighouse.

It was amid scenes and excitement of this kind that the Maybrick case was first ushered into our courts, and Coroner Brighouse opened the proceedings by saying to the Jury:—

"Gentlemen, you are summoned here to investigate the circumstances attending the death of the late Mr. James Maybrick, the inquest on whose

body was formally opened on the 14th of this month. Since that time the wife of the deceased, Mr. Maybrick, has been apprehended by the police, *charged with having caused the death of her husband*, and it will be for you to say, after hearing all the evidence, whether you consider she is criminally responsible for the death of her husband. Of course, generally after hearing the evidence, *you will have to say how and by what means Mr. Maybrick came by his death.* I propose to sit to-day until six o'clock, with an adjournment for lunch, and if it suits you to continue the inquiry and the witnesses are not exhausted, we will continue the inquest to-morrow. *The inquiry will eventually be adjourned for a week, in order that the analysis of the deceased's viscera by Mr. Davies may be completed.* Mrs. Maybrick is not here to-day. But sooner or later she will have to be present, *in order that she may be identified by a witness.*" 28th May.

Mr. Davies, however, as a matter of fact, had, as it afterwards transpired, completed his analysis of the parts of the body which the medical men who had made the post-mortem examination (Dr. Humphrey, Dr. Carter, and Dr. Barron) had selected, and as to which the Coroner had stated, on the 14th May, that—

"The result of the post mortem was that poison was found in the stomach of the deceased in such quantities as to justify further investigation."

And Mr. Davies had found by his analysis that there was no poison whatever in the stomach of the deceased or in its contents, and, indeed, that there was no weighable poison in any of the parts of the body submitted to him. It must be presumed that the Coroner knew this—the police certainly knew it—and it would have been only honest and candid for the Coroner to have told the Jury this, and for the police to have put Mr. Davies at once into the witness box to have said so. However, Superintendent Bryning having charged Mrs. Maybrick before a magistrate with having "caused the death of her husband by administering poison to him," and the magistrate, *without hearing any evidence in her presence*, ten days before, viz., 18th of May, having ordered Mrs. Maybrick to be taken from her bed and locked up in Walton Gaol, and the public being greatly excited about these mysterious proceedings, it would never do for the police to put Mr. Davies in the witness box to say that he had analysed the parts of the body and had found no weighable poison in them! There was, in fact, nothing for the police to do but to get the Inquest again adjourned, and give Mr. Davies another chance of finding some arsenic in the body by having it exhumed, and further portions of it taken for analysis, and in the meantime to keep up the public excitement about the Maybrick Mystery by feeding the public appetite for scandal by giving evidence about Mrs. Maybrick having committed adultery with Brierley, and having thus started a public prejudice against her, take their chance of Mr. Davies finding some arsenic in the body when exhumed!

This searching a body for arsenic after exhumation is not always an entirely satisfactory proceeding, because arsenic is such a common Exhumation.

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thing—it is found in so many things, lead, copper, dyed paper, clothes, glass, indeed, in almost everything, though it is never found in the tissues of the human body unless it has been introduced into them from without: still, cases have been known where arsenic has got into coffins and graves from the copper nails and other accompaniments of interment, and even, I believe, in one recorded case, from the soil itself. In the well-known Loughton case in Essex, in 1878, Dr. Tidy found no less than 6¼ grains of arsenic in the viscera of an exhumed body; the arsenic had not been taken by the deceased at all, but had come from some violet powder which had been dusted over the corpse!! The discovery, therefore, of traces of arsenic after the exhumation of the body (which had been buried for a fortnight) is not an entirely conclusive proof that any arsenic had been in the body before death. In this Maybrick case, however, it is unnecessary to encumber the argument with suggesting that anything of that kind accounted for the traces of arsenic, amounting altogether to the minute quantity of one-tenth of a grain of arsenic, which were subsequently found by the analysts in the body, because, on the face of it, it would have been a still more remarkable phenomenon if some such traces of arsenic had not been found in the body of a man addicted to such habits of dosing himself as James Maybrick was shown to have been.

My object in calling attention to this pre-arranged adjournment of the Inquest for the purpose of exhuming the body, is to point out that Coroner Brighouse, instead of telling the Jury that the inquiry would be adjourned "in order that the analysis of the deceased's viscera by Mr. Davies may be completed," ought to have selected language more accurate and less likely to increase the public excitement about the Maybrick Mystery; that he ought, in fact, to have told the Jury that Mr. Davies had completed his analysis of the parts of the body submitted to him, and had failed to find arsenic!! but that the police had found adultery!!

The cart before the horse

and that he would not let the police put the cart before the horse, or let the Jury hear evidence as to whether Mrs. Maybrick had any motive for administering arsenic before some evidence had been given that the man had died of arsenic. The cart which, however, was thus put before the horse on this first occasion of the Maybrick case being brought into court, has been in front of the horse throughout the whole proceedings in the case. The Coroner's Jury, were, however, not called together to inquire whether Mrs. Maybrick had committed adultery, but whether James Maybrick's death had been caused by arsenic, and by whom administered! The Coroner's Jury were not called together to drag forth the weakness of some weak woman, and to supply "the thirty or forty journalists," to whom the Coroner was

"extremely courteous," with food for gossip in the form of a social scandal, wherewith the press, as purveyors of sensation, could feed the unhealthy appetites of those who revel in the exposure of a woman's weakness. DIARY. 28th May.

Coroner Brighouse was, however, not satisfied to preside over a Coroner's Court, summoned to come to a decision on the issue before them, viz., the cause of the death of the person whose corpse the Jury had viewed. He aspired to turn Coroners' Courts into tribunals for the trial of unaccused persons; and so, apparently forgetting that the Jury were there to inquire into the cause of the death of James Maybrick, and not into the adultery of Mrs. Maybrick, told the Jury—

"Mrs. Maybrick is not here to-day; but, sooner or later, she will have to be present, in order that she may be identified by a witness."

Now what witness did the Coroner refer to?

Identifying Mrs Maybrick.

There was no question about Mrs. Maybrick's identity; and not only so, but she was actually at that time in gaol, under an order of a magistrate. What was the occasion for her being present at this Coroner's Inquest, in order that she might be identified by a witness? She being a suspected person, and therefore one who was gravely interested in that inquiry, ought to have had the opportunity offered her of making any explanation she liked, or of giving any evidence she wished as to any matters touching the death of James Maybrick—but why was she to be present "to be identified by a witness?" and what witness? and what for?

The witness to whom the Coroner referred was Alfred Schweisso, the waiter of a London hotel at which Mrs. Maybrick had stayed in the month of March, and with which visit a scandal was connected, viz., that while there, she had committed adultery with Brierley! (See p. 16.)

But, in the name of common sense, until it was shown, until some evidence was given by the doctors and the analyst that James Maybrick's death had been caused by arsenic, what in the world had a Coroner's Jury to do with any question whether Mrs. Maybrick had or had not committed adultery with Brierley? It was not suggested that James Maybrick had come to his death by violence—had been shot, or stabbed, or drowned. What was suggested was that the cause of death was arsenic. The Coroner knew that Mr. Davies had analysed the stomach and its contents of the deceased, and had found no arsenic. Why, in the face of that, did he not say to the police—

"Well, before we drag out into the broad daylight of publicity the weakness of some weak woman, let us have some evidence,

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something to go upon, to justify this suggestion that the cause of death was arsenic. The doctors have made a post mortem, and have selected such portions of the body as they thought necessary, and the analyst has analysed these portions, and he has not found any weighable arsenic. Let us hear what these doctors and this analyst have to say, and if it is advisable to have the body exhumed I will adjourn the inquest for that purpose; and if evidence is then produced that there is any arsenic in the body, and that the cause of death was arsenic, the jury must hear any evidence there is concerning any person who could have any motive to murder, but I will not put the cart before the horse! Let us have some evidence that the cause of this man's death was arsenic before we go into any questions about any woman's committing adultery, or any such food for gossip as that. Coroner's juries are not called to investigate questions of that kind."

However, the Coroner did not usher the Maybrick Case before the world in that way, and Mr. Pickford was complaisant, and called Dr. Beamish, the medical officer of Walton Gaol.

Mrs. Maybrick's health.

The Coroner: I understand, Mr. Pickford, that you call this witness to prove that Mrs. Maybrick is too unwell to attend here?

Mr. Pickford: Yes. As a matter of fact I don't object to the lady's presence at all. I am informed by those who have her in custody that she is not in a fit state.

To Dr. Beamish:

Q. Do you think it would be dangerous to remove Mrs. Maybrick?

A. I think it would be dangerous to have her here.

Q. When do you think she will be able to attend in Court?

A. I should think in the course of a week.

The Coroner: At present you see nothing to prevent her attendance this week? I may say *we only want her here in order to be identified by a witness*, and after that is done, if necessary, she can retire to another room.

The Doctor: That would minimise the risk unquestionably. The more rest she has at present, the better from a medical point of view.

The Coroner: She will have to attend sooner or later.

The Doctor: The later the better.

The Coroner: Do you think a week is late enough?

A. I am inclined to think that in the course of a week she will be able to attend with comparative impunity.

And then the Inquest proceeded, and throughout the whole day the police did not call a single witness to speak to, or ask a

single question of any one which related in any way to, the "cause of death," but called as witnesses:— DAIRY. 28th May.

Michael Maybrick, with his story of how he suspected Mrs. Maybrick of not attending properly to her husband by not calling in a second doctor and professional nurses earlier.

Alice Yapp, the children's nurse, with her story about having observed Mrs. Maybrick soaking some fly-papers in a sponge basin, and with her story of having opened and intercepted a pencil-letter to Brierley which Mrs. Maybrick had sent her to put in the post office, and her account of the quarrel between Mr. and Mrs. Maybrick on the night of the Grand National, on the 29th of March.

Bessie Brierley, the housemaid, with her account of the quarrel on the 29th of March and her story about seeing the fly-papers soaking in the bedroom "on the Wednesday or Thursday after the Grand National"!!

Wokes, the chemist, that the Maybricks were regular customers, and that Mrs. Maybrick had bought some fly-papers from him. (See Appendix A.)

Hanson, another chemist, that the Maybricks were also regular customers, and that Mrs. Maybrick had also bought some fly-papers from him. (See Appendix A.)

Elizabeth Humphreys, the cook, with her account of the quarrel between man and wife on the 29th of March, and about preparing food to take down to the office, and about Mrs. Maybrick preventing her from giving Mr. Maybrick some lemonade.

Mary Cadwallader, the parlour-maid, with her story that Mrs. Maybrick had tied up the jug with some food for the office with some paper and string she had brought her.

Nurse Gore, a professional nurse, with her story about Mrs. Maybrick having taken a bottle of Valentine's Meat Juice into the dressing-room, and replaced it in the bedroom, and that she took care that the patient should not have any of it.

Nurse Callery, another professional nurse, with her story that she kept her eye on the bottle of Valentine's Meat Juice, and took care that the patient did not have any of it.

Nurse Wilson, another professional nurse, with her story that the night before death, Mr. Maybrick said to his wife, "Oh, Bunny, Bunny, how could you do it? I did not think it of you."

Michael Maybrick again to say he would rather not have the will read; that Mrs. Maybrick knew nothing of its contents, and he didn't believe she even knew of it.

And *Mrs. Samuelson*, a friend of the Maybricks, with her story about some quarrels between Mr. and Mrs. Maybrick somewhere early in March, and at the Grand National on the 29th March.

I shall deal with all the stories of these different witnesses

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later on, but having heard these stories about Mrs. Maybrick, the Coroner adjourned the Inquest for a week; and so ended the first day of the Maybrick case in court *without one single word of evidence about the cause of death of James Maybrick, but plenty of evidence to excite prejudice against Mrs. Maybrick personally.*

The *Liverpool Daily Post* of the 30th May reported:—

Liverpool Daily Post.

"The astounding disclosures made at the inquest on the body of the late James Maybrick have created a great sensation on 'Change, and yesterday the affair formed the all-absorbing topic of conversation. We are informed that Mrs. Maybrick was yesterday made acquainted with the result of the proceedings at the coroner's investigation, though the full details were not conveyed to her."

The body of the late James Maybrick was exhumed that night (at midnight) by Dr. Barron, Dr. Humphreys, and Dr. Carter, in the presence of the police.

The *Liverpool Daily Post* of the 1st of June published a sensational report of this exhumation, headed in large letters:

THE MAYBRICK MYSTERY.

THE EXHUMATION.

DESCRIPTION BY AN EYE WITNESS.

It would be interesting to know whether this sensational description was furnished by one of the four medical men, and which of them?

"The scene of the exhumation was one of the most ghastly that can be imagined. The following description of it is furnished by a gentleman who was present and saw the whole:—

'I believe the cemetery authorities received instructions from the Coroner to open the grave in view of the exhumation on Monday, and these directions were at once acted upon. The body has been interred in a family vault, situate in the Church of England portion of the cemetery not far from the catacombs, and covered with a large flat stone, now much discoloured with age. Beneath this were a couple of feet of earth, then two heavy flag stones, some six inches thick, and below the whitewashed brick vault, which contained not only the remains of the late Mr. James Maybrick, but those also of his father and mother. On Tuesday the massive memorial stone was removed, the earth thrown aside, and the flags beneath exposed. All was then ready for the exhumation proceedings. The cemetery officials and five workmen were in attendance during the evening. The neighbourhood of the cemetery is very lonely at night, and the unusual sound of a couple of vehicles as they drove up to the gates at about ten minutes past eleven attracted the attention of every one. The gates were promptly opened, and a police officer, who subsequently proved to be Inspector Baxendale, of Garston, produced the necessary authority received from the Home Secretary. The vehicles then passed in, and proceeded at a slow pace down the main avenue, the grave-diggers and officials following. Near the church they stopped, and two police inspectors and four doctors—Dr. Barron, Dr. Humphreys, Dr. Hopper, and Dr. Carter—alighted. The whole party then walked silently up a side avenue to the grave. The night was perfectly black, and the stillness of the cemetery

appalling. Across the gravel path which runs past the grave there had been placed two forms or benches obtained from the adjacent catacombs. Here the party, who were silent and pre-occupied, stopped, and the grave-diggers lighted their naphtha lamps, the light from which cast a faint and sickly glow over the surrounding tombstones. However, the men got quickly to work, ropes were fastened to the handles of the coffin, and in a moment afterwards it was raised over the ground, its mountings scarcely yet tarnished with rust. It was placed with its ends upon the two benches, then commenced the operation of unscrewing the lid. This, of course, did not take long, but there was scarcely any one present who did not feel an involuntary shudder as the pale worn features of the dead appeared in the flickering rays of a lamp held over the coffin by one of the medical men. The body was not removed from its receptacle. What every one remarked was that although interred a fortnight the corpse was wonderfully preserved. There were scarcely any signs of corruption, the only thing noticeable was that whilst the extremities, the feet and the lower part of the legs and the hands had remained their natural colour, the rest of the body had turned a dark hue. As the dissecting knife of Dr. Barron pursued its rapid and skilful work there was, however, whenever a slight breath of wind blew, an odour of corruption. The doctor removed in succession his lungs, heart, kidneys, and part of the thigh bone; coming to the head, he cut out the tongue, and, opening the skull, removed one-half of the brain. Each part as it was removed was placed in a large stone jar, which was covered over securely with a canvas cloth and then sealed with Dr. Barron's seal. This done, the remains were re-covered, the coffin silently and expeditiously lowered again into the vault, and the benches were replaced in the catacombs; the jar was taken into one of the vehicles, which about midnight moved slowly and in silence towards the entrance of the cemetery. The others who had been engaged in the horrible business left immediately afterwards, glad that it was over. *Whilst the dissection was going on those present discussed the evidence given at the inquest in the earlier part of the day.*'"

[NOTE.—*I have ascertained that Dr. Hopper was not present at the exhumation.—A. W. Mc.D.*]

I wish I was in a position to tell my readers who the "eye-witness" was who furnished the press with this sensational description. I might make some comments upon the evident intention of the writer of it, but I will make only one remark about this exhumation, and that is, that the eye-witness omits to say what precautions were taken to make it quite certain that this "large stone jar" did not contain any arsenic, or where this "large stone jar" was obtained. "Large stone jars" very often do contain minute particles of arsenic; indeed, arsenic is largely used in the manufacture of these stone jars. If no precautions were taken it would be desirable that the body should be again exhumed, and some fresh portions taken for analysis and placed in some vessel, the absolute purity of which has been previously ascertained. Dr. Stevenson, whether in his capacity of Crown Analyst or in the capacity of Crown Guesser, I know not, said, in his evidence at the Trial, that though they had only actually found 1-10th of a grain of arsenic, and that that was not sufficient to cause death, still he was of opinion "*that the body at the time of death probably contained*

See Search for arsenic in the Corpse.

a fatal dose of arsenic," and he explained that the smallest dose which could be fatal must be over two grains. *IF THERE WAS ANY ARSENIC IN THE BODY OF JAMES MAYBRICK AT THE TIME OF DEATH, IT WILL BE FOUND THERE NOW.* Arsenic does not evaporate, and has been found in recorded cases—in one case twelve years after death, and in another fourteen years after death.

[NOTE.—*Dr. Carter, in an article in the "Lancet," of 21st September, 1889, said that what had been actually found was sufficient "to warrant Dr. Stevenson in the belief that the whole body contained* nearly *a fatal dose at the time of death." Dr. Carter thinks Dr. Stevenson ought to have said "* nearly *a fatal dose," instead of "probably a fatal dose," and he repeats this in his article in the "Liverpool Medico-Chirurgical Journal" of January, 1890. Well, if these two Crown witnesses thought this, why did they not advise the Crown before putting Mrs. Maybrick on her trial to have the body exhumed again and find it? If it was in that body at the time of death, it is a matter of scientific certainty that it is there now. Let the body be exhumed, and let some independent analyst discover if these two Crown Guessers have guessed rightly. Why did not Mr. Justice Stephen, when Dr. Stevenson made such a statement as that, stop the trial until such a fact as that had been ascertained? Why did he allow the Crown to go on with their 1-10th of a grain of arsenic, when they could have found the "fatal dose" if it was there at all? Why was a Liverpool Common Jury left to decide a case where "doctors disagreed" as to the cause of death? and told to find a verdict against Mrs. Maybrick on a scientific conundrum of that kind? In this treatise we are considering how criminal trials are conducted in this country, and I invite my readers to endeavour to find an answer to these questions.—A. W. McD.*]

June 3rd. The next stage of these proceedings was that Mrs. Maybrick, being still too ill to appear in court, Mr. W. S. Barrett as magistrate, accompanied by Mr. Swift as clerk, held a Magisterial Court at Walton Gaol. Mr. Cleaver was not present, having consented to the police obtaining another remand of a week. Only one newspaper reporter was allowed to be present, and the *Liverpool Courier*, having "won the toss," reported that on the magistrate and Mr. Swift taking their seats in the visitors' room, the turnkey announced—

"This person is now outside, sir." In response to this Mr. Swift requested that Mrs. Maybrick might be shown in. The accused lady entered, accompanied by a female warder, and silently took a seat at the foot of the long table. She appeared quite composed, and evidently half unconsciously, greeted the gentlemen present with a faint smile. Her dress was deep mourning, with a widow's bonnet and a long widow's veil, which was thrown aside

and hung down behind. Whether or not it was owing to the peculiar light in the room it is certain that she was pale and colourless. A look of care and anxiety overspread her face, and seemed to contrast strangely with its youthfulness and still rounded outlines. Her flaxen hair was just visible beneath her bonnet in the form of a fringe. When she was seated, Superintendent Bryning, rising from his seat at the end of the room, and addressing Mr. Barrett, said :—

"This person, sir, is Mrs. Maybrick, who is charged with the murder of her husband, at Garston, on the 11th of last month. I have to ask you, sir, that you remand her until Wednesday next."

Mr. Swift : Mr. Cleaver, her solicitor, has sent me a note in which he consents to a remand until Wednesday.

Mr. Barrett : If there is no objection, she will be remanded until Wednesday morning.

The Magistrate then signed the document authorising the remand, and the prisoner, who went through the whole of the brief proceedings with composure, left the room, walking without support.

Now, the only observation I will make as to this is, that Mrs. Maybrick had been in gaol ever since the 18th of May, and that *no evidence had been yet given in her presence*, and moreover Mrs. Maybrick was not even asked if she had anything to say, and her solicitor was not even present !

June 5th, Wednesday.—The adjourned Inquest was held, and Mrs. Maybrick was taken from the gaol at half-past eight o'clock in the morning, to the Coroner's Court in a cab, accompanied by Dr. O'Hagan, a female attendant, and a policeman, and was taken to an ante-room for the purpose of being identified by Mr. Flatman, the proprietor of the hotel where she had stayed in London in March, and by Alfred Schwiesso, the waiter of the hotel. She was not taken into Court, but at three o'clock Mr. Holbrook Gaskell, a magistrate, attended for the purpose of granting another remand pending the result of the Inquest ; but again no evidence was given in her presence.

Amidst all this excitement over the Maybrick Mystery the Coroner opened the adjourned inquiry, and at last Mrs. Maybrick's legal advisers awoke to the fact that it was time that some evidence should be given about the "cause of death." Up to this time the question of the "cause of death" had apparently been forgotten by everybody.

Mr. Pickford, addressing the Coroner on his taking his seat, said:—

"I think that we should before going further in this case have some evidence as to the *cause of death*."

The Coroner : It is a pity, Mr. Pickford, that this application was not made before ! ! !

In the meantime, the Coroner's Jury, who had heard nothing about the cause of death, had had their minds poisoned and

saturated with all sorts of stories about Mrs. Maybrick, and it was under these circumstances that the Inquest on the body of James Maybrick was held.

It was not until this 5th June that Mrs. Maybrick's legal advisers (and no evidence even yet had been given in her presence) awoke to the position that all this while no evidence whatever touching the cause of death had been given before the Coroner's Jury—that the only evidence that had been given was sensational evidence, touching the personal character of Mrs. Maybrick—but none whatever about the cause of death of the man whose corpse the Jury had been taken to view on the 14th of May. Such a course is manifestly unfair, and could only have been resorted to by the police for the purpose of prejudicing the minds of the Coroner's Jury against Mrs. Maybrick personally, and diverting their minds when they came to consider the real question before them, viz., the cause of James Maybrick's death, from connecting anything in the conduct either of James Maybrick himself or of anybody else with it, in the event of its turning out that the cause of death was arsenic.

Trial by newspaper

In the meantime the Liverpool press, with "The Maybrick Mystery" for a sensation, had been busy during the adjournment of the Inquest poisoning the minds of the public, including this Coroner's Jury, with all sorts of exciting and speculative attempts to unravel the Maybrick Mystery!

Some five years before, viz., in 1884, the Liverpool people, who seem to be given to hysterical excitements over sensational cases, were thrown into a most violent state of excitement over a local poisoning case (Flannagan and Higgins) where murder had been committed with a decoction of fly-papers, and the very mention of the word fly-papers among Liverpool people was like raising a red flag to a bull, and, accordingly, as it had transpired at the Coroner's Inquest that Mrs. Maybrick had purchased some fly-papers, and had been observed soaking them in cold water in a sponge basin, fly-papers furnished a clue to the Maybrick Mystery, and "Fly-papers again" was the cry of the streets, and the Liverpool press fanned the popular excitement by publishing such articles as the following, with large type headings:—The *Liverpool Daily Post*, May 30th:—

Liverpool Daily Post.

THE FLY-PAPER THEORY: A REMINISCENCE.

"It will be remembered that the last sensational poisoning case in this neighbourhood was that for which Mrs. Flannagan and Mrs. Higgins were executed in 1884. The circumstances of that case have been recalled to the public mind by the evidence given on Tuesday in what has become known as the 'Aigburth Mystery,' in so far as in both instances fly-papers formed a prominent feature of the prosecution.'

And the *Liverpool Courier*, May 31st :— *Liverpool Courier.*

"But the strong point in the case of the prosecution, so far as it has gone appears, in the general opinion, to be the finding of the fly-papers. The suggestion of the prosecution of course is that the fly-papers were obtained in order that the arsenic in them might be mixed with the food and medicines given to the deceased."

Then there appeared all sorts of sensational statements, of which I will quote a few, for the purpose of showing how, during the adjournment of the Inquest, the minds of this Coroner's Jury were being prepared and poisoned against Mrs. Maybrick.

I have already quoted the ghastly description of the exhumation of the body furnished to the *Liverpool Courier* by an "Eye-Witness"; as to which I will only just remark that if that eye-witness was either one of the doctors who took part in it, or any of the police who were present, it was a very scandalous thing for either to attempt to add fuel to the public excitement of the "Maybrick Mystery" by such a sensational and horrible narrative. The doctors and the police knew that no weighable arsenic had been found by Mr. Davies in the parts of the body selected at the post mortem. The *Courier*, in fact, in some way knew it, because, commenting on this description of the exhumation by an eye-witness, it said :—

"The exhumation of the late Mr. Maybrick's body, and the circumstances under which it took place, were alike extraordinary. The disentombing of remains which have, prior to interment, been subjected to a post-mortem examination, is unusual, *and it was believed that the Coroner had considered this step necessary because the result of the analysis of the viscera had not been such as expected.*"

If, instead of saying "such as expected" the *Courier* had said "such as hoped" by the persons engaged in getting up this case, the language would have been more appropriate. However, arsenic not having been discovered at this time in the body, the *Liverpool Courier* kept up the Mystery and the public excitement by suggesting other possible solutions of the Maybrick Mystery, such as, under large type headings,

"THE STRYCHNINE THEORY,"

and then went on to throw out mysterious suggestions that money matters might furnish a clue to the mystery, and gave, under a large type heading,

"DETAILS OF THE LIFE INSURANCES."

"With regard to the various statements that have been made as to the insurances effected upon the life of the late Mr. Maybrick, we are now in a position to give the accurate details. Mr. Maybrick was insured for £5,000 in

the Mutual Reserve Fund Life Assurance of New York. The Liverpool offices of this company are at Central Buildings, North John Street. One of the policies effected by Mr. Maybrick was for £2,000 in favour of his wife, and the other £3,000 in favour of himself. The first was taken out in October of last year, and the other in January of this year."

And again, under another large type heading—

"MRS. MAYBRICK'S FINANCIAL DIFFICULTIES."

"It has been a matter of some surprise that Mrs. Maybrick should have been so desirous of attending race meetings. She was present not only at those in Cheshire and at Aintree, but at others, and some of those acquainted with her family say that it came to her husband's knowledge that, like many other ladies who take an interest in matters of sport, she risked a little on the result of races."

The *Liverpool Courier*, having thus presented Mrs. Maybrick to the world in the character of a sporting woman and a betting woman, proceeded to say :—

"However this may be, it is the fact, that whilst possessing a considerable private income of her own Mrs. Maybrick had frequent transactions with private loan offices. Some of these date back as late as 1887, and although at first these only represented moderate amounts they were, it is alleged, gradually increased until they involved considerable sums. It was only a fortnight before his death that the late Mr. James Maybrick became by accident aware of his wife's monetary dealings. A letter to his wife requesting repayment of a loan of over £50 fell into his hands, and it is said that he called at the loan office and paid the amount. Mrs. Maybrick advanced as security for these borrowings a deed showing she had a large income from extensive estates in the Southern States of America. Her difficulties were in their origin monetary, and it is with the attempt to conceal them from her husband that she resorted to the expedients described. In addition to her personal income she received from her husband a very handsome sum for household purposes, *and the police have made some disbursements in connection with the management of the house the subject of inquiries.*"

Now, not one word about any of this had transpired at the Coroner's Inquest on the 28th of May. The *Liverpool Courier* is a respectable paper, and it must be assumed that it did not manufacture such a sensational story, calculated to raise so much personal prejudice against Mrs. Maybrick among the Coroner's Jury during this adjournment of the Inquest. I can only presume that the information had been supplied by some *member of the family*, and I shall at once invite my readers to reflect that, whoever that person was, there was some unfriendly object to be served in sending such statements at such a time.

All through the proceedings of the Maybrick case not one word was produced in evidence about Mrs. Maybrick's being a sporting woman or a betting woman, and the only race meeting which was referred to as her having attended was the Grand National on the

29th of March, as to which Mrs. Samuelson had said in her evidence at the Inquest on the 28th of May—

"On the day of the Grand National I was one of a party who went to the races. Mr. and Mrs. Maybrick were of the party, and Mr. Brierley was another of the party."

And it was upon this occasion that a quarrel took place between the husband and wife, which was described as the only quarrel, and that it arose not out of any complaint about Mrs. Maybrick being fond of going to races, or about any sporting or betting proclivities, but because she had walked from the carriage to the Grand Stand with Brierley when Mr. Maybrick told her not to do so, and for which act of disobedience he had when they got home given her a thrashing and a black eye, and that a perfect reconciliation had been brought about between them the next day by the family doctor, Dr. Hopper. I will quote Dr. Hopper's evidence at the Trial about Mr. Maybrick's complaint about his wife on this the only occasion referred to of her having attended a race meeting, which she did in company with her husband, Mr. Brierley being among others, one of that party of James Maybrick's:—

"Mr. Maybrick told me something about the Grand National, and said his wife had annoyed him very much, and went off with a gentleman to walk up the course, although he had distinctly told her not to do so."

Well! I dare say there are plenty of wives who do not always choose to be ordered about in this sort of way by their husbands when taken out for a holiday, but I do not think there are many husbands who would resent a disobedience of this kind by giving their wives a thrashing and a black eye for it! However, that is what happened, and Mrs. Maybrick, objecting to such treatment, went the next morning to Mrs. Briggs's solicitor, with Mrs. Briggs, to try to get a separation, and also went to complain to Dr. Hopper, the family doctor, about her black eye; but Dr. Hopper went up to the house, and brought about a reconciliation which, according to the evidence of himself, Mrs. Briggs, and all the servants in the house, was never afterwards broken by either of them.

Trial by Newspaper.

It is, of course, the duty of the Press, as it is the duty of every individual in this country, to vigilantly watch and criticize the administration of justice in our Courts, and to see that justice is properly administered in them by our Judges and Juries, but "Trial by Newspaper" is distinctly unfair; this feeding of the unwholesome appetite of the public for sensation during the proceedings themselves, at the expense of a person charged with crime, is not only unfair but is a degradation of the liberty of the Press. It is a degradation which one would hardly expect to see in a newspaper of such standing as the *Liverpool Courier*; and I

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now challenge the *Liverpool Courier* to produce the name of its authority for this representation of Mrs. Maybrick as a sporting woman! and a betting woman! which it published (to the great prejudice of Mrs. Maybrick) during the adjournment of the Coroner's Inquest. I leave my readers to digest this representation of Mrs. Maybrick's character as a sporting woman! and as a betting woman! and I leave the *Liverpool Courier* to explain how it came to publish such a statement, and at such a time!

So much for Mrs. Maybrick's bets. Now let us look at this story of the *Liverpool Courier* about Mrs. Maybrick's debts! There is still more occasion for protest against the Press poisoning the minds of the Coroner's Jury against Mrs. Maybrick with such sensational stories as these published by the *Liverpool Courier* in the interval of the adjournment, because Michael Maybrick, the trustee of the late Mr. James Maybrick, had given his evidence at the Inquest on the 28th of May, and had made no sort of reference to any debts of Mrs. Maybrick's. Indeed it had been agreed upon both by the police, Michael Maybrick, and Mrs. Maybrick's legal advisers, and ruled by the Coroner, that it was unnecessary to refer to any questions of money matters as having anything to do with the case. Why then, and at whose instigation, and in whose interests, did the *Liverpool Courier* publish the sensational story which I have quoted?

The following is the only evidence that had been given at the Coroner's Inquest on the 28th May about money matters.

Michael Maybrick had been called, and had completed his evidence without any reference whatever to any money questions, and the servants, and nurses, and chemists had been called, and also a Mrs. Samuelson, who had been one of the party at the National, but not the slightest reference had been made by any one of them as to any money matters connected with the case. But that is not all. *Michael Maybrick* had been recalled, and the following had passed :—

The Will.

Mr. Michael Maybrick, recalled, produced the will of his brother, and handed it to the Coroner, who glanced through it, and then handed it to Mr. Pickford. That gentleman said he did not know whether it was material or not.

Mr. Steel: I think Superintendent Bryning wants it to go to the jury.

The Coroner: I suppose the only way in which it can be given as evidence is that she might, or might not, receive benefit from it?

Mr. Pickford: My only object was to prevent anything more than was really necessary going before the public. That was my sole reason, but of course it is really more a matter for Mr. Michael Maybrick himself.

Mr. Steel (after consultation with Mr. M. Maybrick): *Mr. Michael Maybrick would rather not have the will read* unless it is material to the case.

The Coroner: This will was sealed, and you found it sealed?

Mr. Michael Maybrick: Yes.

The Coroner: Is this your brother's seal upon it?

A. Yes.

Q. And it is quite clear, then, that the envelope had not been tampered with when you found it? DIARY. 28th May.

A. Oh yes, it is quite clear.

Q. Mrs. Maybrick would have no knowledge of its contents?

A. No; I don't think she even knew of it.

The Coroner: *If it was suggested that the will was very much in favour of herself—but, as she had no opportunity of seeing it, and could not know—well, I don't see what end can be served by it going to the jury.*

Mr. Steel: *I think she takes £2,000, at the outside, under a policy of life assurance.*

Mr. Pickford: *As a matter of fact, it has come to her under the will, but it was hers without.* As I have said, I have no object, one way or the other, except in regard to matters *unnecessarily going before the public.*

The Coroner: As it is not proved, or even suggested, that she knew the contents of this will, it cannot be put in evidence.

Mr. Steel: Certainly, there is no suggestion.

Superintendent Bryning: Did your brother make a marriage settlement in 1884?

A. I believe he did.

Q. Are you a trustee under that settlement? See The Will.

A. Yes.

Mr. Pickford: I confess I don't see how what happened in 1884 is relevant to what takes place in 1889, but I don't wish to raise any objection. Trial by newspaper.

Superintendent Bryning: It shows some materiality.

Mr. Pickford: I leave it in your hands altogether.

The Coroner: I think if Mrs. Maybrick had a knowledge of the trusts of this settlement that it is material evidence, but of course I must ask Mr. Bryning to prove the document in the usual way.

Mr. Pickford: Then I raise no objection in that way.

Superintendent Bryning: I won't pursue this further at present.

Now at a later stage I shall refer to this Will, which is a very remarkable document! At present I am directing public attention to the way in which during the adjournment of the Inquest a sort of *Trial by Newspaper* was going on. I have quoted the whole of the evidence given at the Coroner's Inquest which referred in any way whatever to any questions of money matters, and I again press the question on the attention of the public who prefer "Trial by Jury" to "Trial by Newspaper"—Why during the adjournment did the *Liverpool Courier* publish the sensational story I have quoted? And I again press the question on the *Liverpool Courier*—At whose instigation and in whose interests was it published?

The whole story, as I shall presently show, is a misrepresentation of the facts, but my present object is to point out the unfair interference with the course of justice, which is caused by this modern system of Trial by Newspaper being carried on concurrently with Trial by Jury, especially in times of public excitement. I think that, as regards comments and criticisms upon proceedings in Courts themselves, the Press are in the public interest only too negligent. It is the duty of the Press in the public interest to jealously watch and vigilantly scrutinize and

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criticize, and call public attention to everything which passes on in our Courts. The country has awarded to the Press, for the express purpose of enlarging the walls of our Courts, an absolute privilege of reporting and fairly commenting upon proceedings in Courts of Justice. Our Courts are, in fact, open for the sole purpose of enabling the public themselves to attend, and jealously watch that our judges and juries find their judgments in accordance with the evidence, and the publication and criticism of proceedings in Courts is a matter of the greatest public importance. But such statements as these by the *Liverpool Courier* were not *comments upon anything which had passed in Court.* They were statements of facts which had not come out in evidence in Court, and, indeed, which never came out afterwards during the whole proceedings. I cannot suppose that a paper of such respectability as the *Liverpool Courier* invented them. I assume, in fact, that the *Courier*, on the contrary, would not have published them on the authority of any one except *a member of the family or of the police*/ but I impute to that person, whomsoever he or she may be, that those statements were made for the purpose of prejudicing the minds of the Coroner's Jury against Mrs. Maybrick during the period of the adjournment, and I suggest that the *Liverpool Courier* should feel it due to its own reputation to make publicly known the name of the person who instigated it to publish such statements at such a time.

Liverpool Daily Post.

Then again, the *Liverpool Daily Post* of June 3rd, in an article commencing :—

"The mystery surrounding Mr. Maybrick's death seems to deepen and to have taken a greater hold on the public mind"—

after referring to one of the numerous stories afloat, goes on to say—

Stratagem of forgery.

"Whether this is true or not, it would be difficult to say, but in the present excited state of public opinion, any conjecture of the kind is eagerly received and discussed."

And then proceeds under large type heading to report—

"It was bruited abroad in the course of Saturday that the police have resorted to an extraordinary stratagem, in order to procure evidence of a peculiar character, which they require in the case. *The story goes that at their instigation a lady was employed to write a letter to a person well known in Liverpool, purporting to come from Mrs. Maybrick. It is alleged that the writing so closely resembled that of the prisoner as to have deceived the person to whom it was addressed, and to have brought from him a response. This remarkable proceeding, we are informed, took place immediately prior to Mr. Maybrick's death.*"

Now, I cannot assume that a newspaper of such standing as the *Liverpool Daily Post* invented such a sensational story as this, and I therefore suggest that it is due to its own reputation to make

publicly known the name of the author of it. There was no denial of this!! It was a direct imputation (published in a paper of the highest standing in Liverpool) of FORGERY against the Police engaged in getting up this case against Mrs. Maybrick!! And yet no denial! No attempt on the part of the authorities to call the editor of the *Liverpool Daily Post* to account for such a calumny! Why? Is it that the authorities regard such a newspaper as the *Liverpool Daily Post* as beneath contempt? Or was it because the authorities and everybody else in Liverpool had lost their heads over the Maybrick Mystery, and were unable to see that the *Liverpool Daily Post* had published a statement, which branded the police engaged in getting up the case as *Forgers?* Or again, Is it true? If it is true, I will ask—Do the people of this country intend to allow criminal trials to be got up in such a way? I want my readers to ear-mark this statement in the *Liverpool Daily Post.*

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Again, the *Liverpool Courier*, June 3, announced, under a large type heading:

Trial by newspaper.

"ALLEGED REMARKABLE LETTER OF THE DECEASED." *Liverpool Courier.*

"We have it upon the authority of a gentleman who affirms that he saw the document that, prior to his visit to London in April last, the late Mr. James Maybrick wrote to his brother Michael, a letter which, in view of the present circumstances, is extraordinary. The deceased gentleman said that he could not understand exactly the nature of his illness, and he thought it would be desirable, in the event of his illness proving fatal, if his body was subject to medical examination."

Alleged letter by James Maybrick.

Now, Michael Maybrick had already given his evidence at the Coroner's Inquest on the 28th of May, and he certainly said nothing about having received any such letter. It would be impossible to suppose that the *Liverpool Courier* would have invented such a startling and sensational statement. Now I challenge the *Liverpool Courier* to disclose the name of the gentleman who saw the document.

James Maybrick's visits to London in April were on the 13th to 15th, and again on the 20th to 22nd, and not only was it the case of the Crown that James Maybrick was a perfectly healthy man at that time, but they called as a witness Dr. Fuller, who had seen him on both those occasions, to prove it in the most positive manner. If James Maybrick had really written such a letter to Michael, "prior to his visit to London in April," it would have had a most material bearing upon this case, as suggesting that James Maybrick had been "dosing himself," and had an inner consciousness that he had taken an "overdose" of something! If any such letter had been written by James Maybrick, "prior to his visit to London in April," the way in which any

arsenic had got into his body would have readily suggested itself to the mind of every juryman. If Michael Maybrick really did have such a letter, he suppressed the fact when giving his evidence at the Coroner's Inquest, notwithstanding the statement to which his solicitor, Mr. Steel, pledged himself, that Mr. Michael Maybrick "wished to disclose everything he knew." But that is not all. If Michael Maybrick really did have such a letter it was an act of criminal suppression upon his part to keep it back from the Coroner's Jury, who were sworn in not to try Mrs. Maybrick for murder, or anything else, but—

"to inquire into the circumstances connected with the death of James Maybrick."

There was no denial of this positive statement by the Editor of the *Liverpool Courier*, and that newspaper owes it to itself to disclose the name of its informant, so that the matter may be fully investigated. If James Maybrick did write such a letter, it is manifest that he knew he had been "over dosing" himself with some poisonous drug. Moreover, not only was no such letter produced, but if Michael Maybrick had received it, he had kept it back from the doctors, Dr. Fuller, Dr. Humphreys, and Dr. Carter, who, if they had known of it during life, might have saved life by administering an antidote.

[NOTE.—*It is the more incumbent upon the Liverpool Courier to publish the name of the "gentleman who saw the document," and on whose authority it made this sensational statement that—*

"prior to his visit to London in April last, the late James Maybrick wrote to his brother Michael,"

this alleged letter, because the "Liverpool Courier," in January and February last, opened its columns to a discussion on the Maybrick case, and on February 19, 1890, inserted a letter from an anonymous correspondent signing—

"Spenser Street, Feb. 15. "ANTI-FICTION."

The animus of the writer against Mrs. Maybrick all through that and previous letters which had appeared in the "Liverpool Courier" was absolutely transparent. There was, in fact, no attempt to conceal it. In fact, the writer made a boast of it. It will, however, be observed that "Anti-fiction" gives a different date of the alleged letter. It is not "prior to his visit to London" (the last of which visits were from the 20th to the 22nd of April), but "Anti-fiction" actually makes a quotation from the alleged letter in asterisks, stated to have been written on the 29th April. "Anti-fiction" refers to this alleged letter thus:—

"The last words of the poisoned victim to his wife, 'Oh, Bunny, Bunny, how could you do it; I did not think it of you," remained a mystery until the disclosure of the missive to his brother Michael, in London, dated 29th April, in which deceased gave minute details of the malady from which he was suffering, and expressed his surprise that the doctors could not diagnose his complaint, and added, '*the medical men will perhaps be able to tell what is the matter with me when my body is cold and lifeless, and when, for the benefit of future generations, they have examined my remains.*'" DIARY.

The "Liverpool Courier" with the insertion of that letter closed its columns to any correspondence on the Maybrick case, adding as a reason—

"We have already devoted much space to this correspondence, and so far as we are concerned it is now closed.—EDIT."

so that there was no opportunity of any reply to it.—A. W. Mc. D.]

Now, I challenge the *Liverpool Courier* to publish the name of the "gentleman who saw the document," upon whose authority the statement was editorially made on the 3rd of June, during the period of the adjournment of the Inquest.

Somebody, as it seems to me, was very eagerly spreading about false stories to prejudice the Coroner's Jury against Mrs. Maybrick during the adjournments of this inquest. Who was it? and for what purpose? Will the *Liverpool Courier* and the *Liverpool Daily Post* disclose the name of their informant?

As to this modern system of Trial by Newspaper in anticipation of Trial by Jury, and the weapons with which Editors of Newspapers are permitted to attack an accused but untried prisoner. I will ask my readers to consider whether slander ought to be included in the Privileges of the Press. I will quote as applicable to this Trial by Newspaper which went on in anticipation of the Trial by Jury, in the Maybrick case, the words that Shakespeare put into the mouth of Pisanio:

"What shall I need to draw the sword? the paper
Hath cut her throat already—No! 'tis slander
Whose edge is sharper than the sword; whose tongue
Outvenoms all the worms of Nile; whose breath
Rides on the posting winds—and doth belie
All corners of the world: kings, queens, and states,
Maids, matrons, nay the secrets of the grave
This viperous slander enters."

June 5th.—At the adjourned Inquest, opened under these circumstances, Superintendent Bryning flatly refused to take Mr. Davies's evidence first:—

Mr. Pickford: Can you take Mr. Davies's evidence? Coroner's inquest.

Superintendent Bryning: No, sir. I prefer to take the medical evidence first. We will call Dr. Hopper.

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Accordingly the following witnesses gave evidence :—

Dr. Hopper.

Dr. Hopper, who had been family doctor from September 1, 1888, but had not attended James Maybrick since, spoke of his effecting a reconciliation of the quarrel on the day of the Grand National, and about Mrs. Maybrick's asking him the year before to check her husband's taking dangerous medicines, and about James Maybrick having himself told him that he used to dose himself with almost anything his friends recommended, and to take double doses, and that he used to take arsenic.

Dr. Hopper gave no evidence as to the cause of death, but he gave the following evidence as to the grounds of the quarrel on the 29th of April, after the Grand National and the reconciliation :—

Black eye.

Q. Was there anything noticeable about her face then ?
A. Yes ; she had a black eye.
Q. Did she say anything about a separation ?
A. Yes ; she told me she wished to have a separation from her husband.
A. I believe you advised her to cast the thought away ?
Q. I did.
Q. While you were speaking did she tell you something that had happened ?
A. She said she and her husband had had a serious quarrel the night before.
Q. Did anything else happen at your house ?
A. Nothing of importance.
Q. Did you on the same afternoon go out to Battlecrease to see the children ?
A. Yes.

See Brierley Incident.

Dr. Hopper proceeded to say that he had brought James Maybrick and Mrs. Maybrick together in his presence, and heard what each had to say, and that James Maybrick's complaint was that Mrs. Maybrick had walked on the racecourse with a gentleman against his wishes :—

Perfect reconciliation.

Q. But you did, in fact, effect what appeared to be a perfect reconciliation ?
A. Yes, a perfect reconciliation.

And then that he had gone up on the 1st of April, and that he saw both Mr. and Mrs. Maybrick together again.

Q. What were you talking about ?
A. Firstly, about Mrs. Maybrick's illness, and, secondly, about her debts.
Q. You say the subject of her debts had been introduced ?
A. It had been introduced by her at the previous interview.
Q. Without going into that question—Did she tell you what her total indebtedness was ?

Mr. Pickford : Is this not going too far ? There was a dispute between the husband and wife about the wife's debts. Surely the amount of the debts cannot be material.

The Coroner : Will you tell us, Dr. Hopper, whether the conversation led you to believe Mrs. Maybrick was in debt ?

A. Yes.
Q. And did you gather whether Mr. Maybrick was willing to pay the money ?
A. He was willing to pay everything.

Superintendent Bryning: Did she mention the sum?

Mr. Pickford: I object simply on the ground that the question is not relevant to this inquiry. It seems to me quite unnecessary to go into every detail of a man's life.

The Coroner: I think Dr. Hopper says Mrs. Maybrick was in debt and that Mr. Maybrick was willing to pay the money. If Dr. Hopper had said he was not willing to pay then I think a motive would have been suggested, and the question thus become relevant. We quite understand Dr. Hopper, without discussing the amount of the indebtedness that Mr. Maybrick was quite willing to pay.

A. Quite so.

Superintendent Bryning: Did she name two different sums as to her indebtedness, one larger than the other?

Mr. Pickford: I object. Supposing she mentioned ten sums what does it matter?

Superintendent Bryning: Did he say whether he was willing to pay the larger sum?

The Coroner: What do you say to that, Mr. Bryning?

Mr. Pickford: You see whatever the sum was Mr. Maybrick was willing to pay it back.

Superintendent Bryning: It is a matter I do not care to press.

The Coroner: How do you make it out to be material to the point at issue that the amount of her indebtedness should go before the jury—at least her statement as to the amount of her indebtedness?

Superintendent Bryning: I cannot say anything to that. *My only object was to have a thorough and exhaustive inquiry as to matters affecting both of them.*

Mr. Pickford: *And my only object is to exclude what is irrelevant.*

The Coroner: *Is it material to the question which the jury have to decide that this witness should tell us how much Mrs. Maybrick stated to be her indebtedness?*

Superintendent Bryning: *I do not think there is much materiality hanging upon it.*

The above is the whole of the evidence given concerning Mrs. Maybrick's *debts* during the whole proceedings. I have set this evidence out fully, because my readers will remember that in anticipation of this evidence as to Mrs. Maybrick's debts, the *Liverpool Courier* had, on the 31st May, published the sensational statement, which I have quoted on page 146, viz:—

That she possessed "a considerable private income of her own"; that she had had "frequent transactions with private loan offices"; that "some of these date back as late as 1887"; that "a fortnight before his death the late Mr. James Maybrick became, by accident, aware of his wife's monetary dealings. A letter to his wife requesting repayment of a loan of over £50 fell into his hands," and that he had "called at the loan office and paid the amount." And that "Mrs. Maybrick advanced as security for these borrowings a deed showing she had a large income from extensive estates in the Southern States of America"; and that her borrowings "involved considerable sums."

Now as my readers will see by a reference to "The Will" (see *post*), which is a most remarkable document, that the "consider

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able private income of her own" consisted of "£125 a year, which she receives from her New York property!" and this was secured to her under her marriage settlement, of which Michael Maybrick said in his evidence at the Inquest he was one of the Trustees. Although no other evidence was given during the proceedings as to Mrs. Maybrick's debts, Mr. Addison when opening the case for the Crown at the Trial, said—:

Mrs. Maybrick's debts.

"Dr. Hopper, acting both in his capacity as medical adviser and as a friend of the family, came up to try to make peace. He heard from Mr. Maybrick what his complaints were, and then he went to Mrs. Maybrick and they discussed the case together, the husband at the time making a complaint of her going off with Brierley, at the Grand National, against his wishes; that was all the husband knew of the matter. At that time the prisoner owed £1,200, and Dr. Hopper, acting as peacemaker, succeeded, so far as he could judge, in making matters up between them, Mr. Maybrick undertaking to pay off those debts, and from what passed on the 1st of April, between Mr. and Mrs. Maybrick and the doctor, the latter was led to infer that the quarrel had been made up."

Mr. Addison did not, however, call any evidence at the Trial about this, and I am somewhat curious to know about this £1,200 debts of Mrs. Maybrick's! because, although they could not have had anything to do with the cause of death, they may be found, especially in view of the extraordinary provisions of the Will and the terms of reconciliation which Dr. Hopper effected, under which James Maybrick undertook and cheerfully undertook to pay her debts, to have a very material bearing upon the question—

How, why, and by whom was the charge of murdering her husband put upon Mrs. Maybrick?

In the first place then it will, no doubt, strike my readers as odd that any debts which Mrs. Maybrick could contract could be described as "her debts," and as being odd that Mrs. Maybrick, being a married woman living with her husband and having only an income of £125 a year, could contract debts to the amount of £1,200! I know that there is a Married Women's Separate Property Act, and that under it sometimes husbands are able to get protection from creditors by setting it up as a defence. But James Maybrick did not do anything of this sort; on the contrary, he cheerfully undertook as part of the terms of the reconciliation to pay her debts. Of course, it is quite possible, if he did not fulfil his promise, and if "her debts" did amount to £1,200, that on his death either his partner in business (Edwin Maybrick) or his "Trustees and universal legatees" Thomas Maybrick and Michael Maybrick might have objected to such a payment out of his assets, which by the Will are stated, including life assurance and sale of furniture and everything, at £3,770 16s. 6¾d. net. But even still it will no doubt strike my readers as odd that if Mrs. Maybrick had really contracted debts of her own to such an amount as £1,200, the creditors should have made no effort to

contest any application of the Married Women's Separate Property Act to such debts, or should not have insisted that they were *his debts* and not *her debts*. Mr. Addison stated in his opening speech to the Jury that "her debts" amounted to £1,200, but, as I have said, he produced no evidence in support of that assertion, and all we know either about Mrs. Maybrick's private income or about her debts is what appears in the Will, and this evidence of Dr. Hopper's at the Inquest.

I can understand an extravagant wife *running her husband* into debt by contracting bills with tradespeople. I can understand a wife being a bad household manager, and running up bills with the butcher, baker, and candlestick maker. I can even understand in an establishment such as James Maybrick was keeping up—four indoor servants, a gardener, and a saddle-horse—that in keeping up appearances the tradesmen's bills might be in arrear £1,200, and that the fact that they were in arrear might be a cause of irritation between husband and wife, and that in this way one the terms of reconciliation should be that James Maybrick should pay them off. All that fits in with Dr. Hopper's evidence, but then neither in law nor in ordinary language could such debts be described as "her debts," they would, in fact, be "his debts" for things of which he and his friends partook, and the tradesmen would have no difficulty in enforcing them, when they wanted to enforce payment of them, against either James Maybrick or his estate.

Of course, when, as in this Maybrick case, Trial by Newspaper was proceeding in the *Liverpool Courier*, concurrently with Trial by Jury, the Coroner's Jury, who had read their *Liverpool Courier*, may have got very much mixed up upon the subject of "her debts," but now that the excitement about the Maybrick Mystery is over, I think it will strike my readers as being all very odd, and that it would have been more to Mrs. Maybrick's interests if Mr Pickford had waived his objections to the irrelevancy of the matter to the question of the cause of death, and had permitted Dr. Hopper to tell all he knew about this subject of "her debts."

NOTE.—*From such inquiries as I have been able to make, some of the tradesmen's books, the butcher's and fishmonger's were in arrear, but not to any such amount as £1,200, and that there was a sum of a considerable amount involved, a deed jointly signed by James Maybrick and Mrs. Maybrick, in relation to some expectancies Mrs. Maybrick had upon the reversion of some property in the Southern States. If this is the matter to which Superintendent Bryning referred when he asked Dr. Hopper—*

Q. Did she name two different sums as to her indebtedness, one larger than the other?

Mr. Pickford: I object. Supposing she mentioned two sums, what does it matter?

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Superintendent Bryning: Did he say whether he was willing to pay the larger sum?

if that larger sum was the matter connected with any document that had been jointly signed by James Maybrick and Mrs. Maybrick, it is certainly very unintelligible why the words, "her debts," should be used in connection with it.—A. W. McD.]

The next witness called at this adjourned Coroner's Inquest, on the 5th of June, was :—

Dr. Humphreys.

Dr. Humphreys gave his account of how he had attended James Maybrick throughout his illness, and what the symptoms were, and what he prescribed; that he did not suspect poisoning until it was suggested to him, and that he did not make up his mind to expect a fatal termination of the illness until the day before death. That he had no experience of arsenical poisoning himself, that he had administered to deceased arsenic, in the form of Fowler's solution, on the Sunday or Monday before death; that he had attended the *post mortem*, and he gave a detailed description of it, and—

Q. Having regard to the *post-mortem* appearances, the symptoms that appeared before death, and the symptoms described by the witnesses, what is your opinion of the cause of death?

A. *That they are consistent with arsenical poisoning?*

Q. *What is your opinion of the causes of death?*

Cause of death.

A. *I said that it is consistent with irritant poison. The actual cause of death was exhaustion.*

Q. *Exhaustion set up by an irritant poison?*

A. Yes.

Q. The *appearances at the post mortem*, you say, are *consistent* with irritant poisoning?

A. Yes. The appearances *were consistent* with congestion, not necessarily caused by an irritant poison.

Q. I may take it that the *symptoms during life* were also consistent with congestion not caused by an irritant poison?

A. *They were consistent with acute inflammation of the stomach and intestines produced by any cause whatever.*

Q. Quite so. I assumed that from the fact that *you said you did not suspect irritant poison until the suggestion was made to you. From any cause?*

A. *From any cause that would produce similar pathological results.*

Q. *And I may take it that acute congestion does arise without any administration of poison from without?*

A. *It does occasionally—rarely.*

Experience.

Q. *I think you did tell us that you had no personal experience of a case of arsenical poisoning?*

A. *I have no personal experience.*

Q. *Or of any irritant poison?*

A. *Or of any irritant poison.*

And Dr. Humphreys also said that when the *suggestions* of poisoning were made, he did not see anything in the symptoms which led him to prescribe any antidote, and that he refused a certificate of death :—

"I refused a certificate of death from the fact that arsenic was found——"
Q. Oh! from a certain communication made to you?
A. Yes. I refused a certificate of death because arsenic had been found on the premises.

Well, that was the evidence of the medical man, Dr. Humphreys, who had never attended James Maybrick before—who knew nothing about his constitution, as Dr. Hopper did, but had attended him all through his illness—and I think my readers will come to the conclusion that the only thing of any value about this evidence is, that Dr. Humphreys "refused a certificate of death because arsenic had been found on the premises!"

Dr. Carter.

Then Dr. Carter was called in to consultation, and he gave evidence of how he was called in on the Tuesday before death, and that he agreed with Dr. Humphreys' treatment of the case, and that he agreed with Dr. Humphreys' description of the *post mortem*, and that on the day before death Michael Maybrick had given him a bottle of Valentine's Meat Juice, and the day before a bottle of Neave's Food; and that he had found nothing in the Neave's Food, but in the Valentine's Meat Juice he had found *a grey deposit* on the copper foil of his test, which after death he found was arsenic, but he did not attempt to make any quantitative analysis, and handed the bottle to Mr. Davies; and—

Cause of death.

Q. Having had the advantage of hearing the witnesses describe Mr. Maybrick's symptoms, having attended him yourself, and having assisted at the *post mortem*, are you in a position to say *what was the cause of death?*
A. Yes, irritant poison.
The Coroner. *Are you able to say what was the irritant poison?*
A. *Most probably arsenic.*
Q. Did you form your opinion previous to death?
A. I did, sir.
Q. On which of your visits was the presumption raised?
A. The presumption was raised on Thursday, the 9th.
Q. *Did you treat the case as one of poisoning?*
A. *Yes, we did.*
Q. *Did you form this opinion before any suggestion was given as to poison?*
A. *Oh, no.*

Well! Dr. Carter and Dr. Humphreys, the two medical men, do not quite agree. Dr. Humphreys said nothing about having treated the patient as a case of poisoning. Dr. Carter said, "Yes, we did." But both of them agree that their *diagnosis* of the case was based on some *suggestion* made to them!!

Dr. Humphreys, after Dr. Carter had given his evidence, wished to make an explanation of his own. He wished to say that he was

"unable to say whether the *post-mortem* appearance of gastritis was similar to that produced by an irritant poison"!!

DIARY

Dr. Barron

Then *Dr. Barron* was called. He had not attended the deceased, but was present at the *post mortem*, and agreed entirely with Dr. Humphreys' account of it :—

Q. *From what you saw at the post mortem, what is your opinion of the cause of death?*

A. *That it was some irritant poison.*

Cause of death.

The Coroner: Taking into consideration the history of the case, as related to-day, as to Mr. Maybrick's symptoms during life, and coupling this with what you saw at the *post-mortem* examination, *you are of opinion that death was due to some irritant poison.*

Q. *Are you able to point to the particular poison?*

A. *No, not apart from the evidence.*

Flatman.

Then *Mr. Flatman*, the proprietor of Flatman's Hotel, was called, to produce some letters which Mrs. Maybrick had written in March, engaging rooms at his hotel—ostensibly for Mr. and Mrs. Thomas Maybrick, of Manchester—and to say that Mrs. Maybrick, who had been kept in an ante-room to be "identified by a witness," having been seen by him, he could not identify her as the lady who had come to stay at the hotel. Mr. Flatman was not asked any questions touching the death of James Maybrick, or touching the cause of death!

Schweisso.

Then *Alfred Schweisso*, the waiter at Flatman's Hotel, having been taken into the ante-room to identify Mrs. Maybrick, came back and said he recognised her as a lady who had stayed at Flatman's Hotel with a gentleman whom he supposed was her husband :—

Q. Did they stay at the hotel as man and wife?

A. Yes, they did.

Q. How long did they stay on those terms?

A. From the 21st to the 24th of March.

The Coroner: When you say that they stopped on those terms, do you mean to say that they slept in the same bed?

A. They slept in the same bedroom, sir.

And Alfred Schweisso was then asked—

Q. Have you seen the gentleman?

A. Yes. To the best of my belief, that is the gentleman, there [pointing to Mr. Alfred Brierley.]

The witness, Alfred Schweisso, was not asked any questions touching the death of James Maybrick, on the 11th of May, nor touching the cause of death!

Lowrie, clerk at office.

Then *Lowry*, the clerk at Mr. Maybrick's office, was called, to say he had bought a saucepan, basin, and spoon; and Mr. James Maybrick had warmed up his lunch at the office, and used these utensils, and a jug containing the food which he had brought to the office on the 1st of May; and that he warmed up his food in a similar way on May 2nd; and that he had a lot of medicine bottles at the office.

Then came *Eliza Busher*, the charwoman who had washed these utensils. Eliza Busher.

Neither of these from the office were asked any questions touching the death of James Maybrick, nor as to the cause of death!

Then came *Mrs. Briggs*, who was on terms of intimacy with both Mr. and Mrs. Maybrick, and a constant visitor at the house, and told of the quarrel which had taken place between Mr. and Mrs. Maybrick on the day of the Grand National (29th of March); and how she went up to stay at the house next day, and they made up the quarrel, and were reconciled; and how she went again to the house on Wednesday, 8th of May, three days before death, and "Alice Yapp said something"; and how, at her suggestion, Mrs. Maybrick sent for a professional nurse, and that she had made a communication to Edwin Maybrick; and that she went again to the house on May 11th, when James Maybrick died; and that, on the next day, she and Michael and Edwin "were searching for some keys, and some letters were found," which she identified, one being a letter from Mrs. Maybrick to Brierley (see facsimile); and that, on the 14th, after Mrs. Maybrick had been taken into custody, Mrs. Maybrick gave her a letter to send to Brierley, but which she gave to the police, and which was as follows:— Mrs. Briggs.

"I am writing to give me every assistance in my present fearful trouble. I am in custody without any of my family with me, and without money. I have cabled to my solicitor in New York to come here at once. In the meantime send some money for present needs. The truth is known about my visit to London. Your last letter is at present in the hands of the police. Appearances may be against me, but before God I swear I am innocent.

"FLORENCE E. MAYBRICK."

And Mrs. Briggs also gave an account of some bottles she had found when she was searching Mr. James Maybrick's bandboxes and hatboxes after death for the *keys of the safe!* Mrs. Briggs was not asked any questions touching the cause of death. That ended the evidence taken on the 5th of June, but on that same day a magistrate, Mr. Holbrook Gaskell, attended at the ante-room where Mrs. Maybrick, in custody of the police, had been brought "to be identified by a witness," the witness Schweisso, and he remanded her—*still with no evidence given in her presence*—this time not to Walton Goal, but to the lock-up!! and Mr. Cleaver, her solicitor, offered no objection. Mrs. Briggs.

June 6th.—The Coroner's adjourned Inquest was resumed. Mrs. Maybrick was not permitted to be present, but having spent the night at the County Police Station, Lark Lane, in the lock-up, was kept there until the Coroner's Jury had returned their verdict! Coroner's inquest.

DIARY.

Edwin Maybrick.

Edwin Maybrick, brother of the deceased, was the first witness called, and he said he had no fixed address, but had arrived in England on the 25th of April, and that on the 28th of April his brother was taken ill, after having been at the Wirral Races the day before, and that on May 1st he saw him at the office, and that he "was rather unwell—this was before luncheon—and after luncheon he was not as well as he was before"—that he took down the lunch in an earthenware jug from the house, and that Mrs. Maybrick had given him the jug, saying—"This is your brother's luncheon, and you might take it to the office," and that he subsequently stayed at the house until his brother died, and that on Wednesday, 8th of May, on going to the house in the evening, Alice Yapp gave him a letter [see facsimile] from Mrs. Maybrick to Brierley; that he gave directions to the professional nurses to assume charge of James Maybrick, and that the night after his brother had died Alice Yapp brought down a parcel containing, among other things, a packet labelled "arsenic, poison for cats," and that the next day he, Michael, and Mrs. Briggs searched the dressing-room, off James Maybrick's bedroom, and found in some hatboxes, not in any way concealed, some bottles and other things (see "Search on Premises.")

Clay and Abraham.

Then *Tozer*, chemists' assistant to Clay and Abraham, chemists, Liverpool, was called to say that the ingredients of some medicines made up for James Maybrick personally were free from arsenic.

Then Inspector *Baxendale* was called to say he had taken possession of various bottles and things and letters at the house and office, and had handed them to Mr. Davies, the analyst.

Then Sergeant *Davenport* was called to identify a bottle he had found at the house.

Superintendent Bryning.

Then Superintendent *Bryning*, to say that on Tuesday, 14th of May, he—

"Saw Mrs. Maybrick in bed. I said to her, 'Mrs. Maybrick, I am Superintendent of Police, and I am about to say something to you. After I have said what I intend to say, if you reply, be careful how you do reply, because what you say may be taken in evidence against you. Mrs. Maybrick, you are in custody *on suspicion of causing the death* of your late husband, James Maybrick, on the 11th instant.' She made no reply. On the 27th May I saw Mrs. Maybrick in Her Majesty's gaol at Walton, and after cautioning her in the same way, I said, 'You are *now* charged with the murder of your husband, James Maybrick, at Garston, on the 11th instant.' The prisoner made no reply."

Mr. Davies, the analyst.

Then *Mr. Davies*, the analyst, was called, and gave evidence as to the result of his analysis of the portions of the body selected at the *post mortem* and at the *exhumation*; that he had found no weighable arsenic in the portions selected at the *post mortem*, but

that he had found 1-50th of a grain of arsenic in part of the liver, nothing in the stomach or its contents, but traces not weighable, however, in the intestines, and that he had found arsenic in some of the bottles and things found in the house after death, and in the Valentine's Meat Juice.

Then *Mrs. Hughes*, Mrs. Briggs's sister, was called to identify the letter from Brierley to Mrs. Maybrick (see "Brierley Incident"). Mrs. Hughes.

Then the Coroner summed up, and the Coroner's Jury retired for half an hour, and—

Verdict of coroner's jury.

The Coroner : Have you agreed upon your verdict, gentlemen ?

The Foreman : We have.

Q. Do you find that death resulted from the administration of an irritant poison ?

A. Unanimously.

Q. Do you say by whom that poison was administered ?

A. By thirteen to one we decide that the poison was administered by Mrs. Maybrick.

Q. Do you find that the poison was administered with the intention of taking away life ?

A. Twelve of us at least have come to that conclusion.

The Coroner : That amounts to a verdict of murder. Bring in Mrs. Maybrick.

"Florence Elizabeth Maybrick, the Jury have inquired into the circumstances attending the death of your husband, and they have come to the conclusion that he was wilfully murdered by you. It is my duty to commit you to the next assizes, to be holden at Liverpool, there to take your trial on that charge."

Inquisition.

The inquisition was made out in the following terms :—

"That James Maybrick, on the 11th of May, 1889, in the township of Garston, died from the effects of an irritant poison administered to him by Florence Elizabeth Maybrick—and so the jurors say—that the said Elizabeth Florence Maybrick did wilfully, feloniously, and of her malice aforethought kill and murder the said James Maybrick."

Mrs. Maybrick was taken back to Lark Lane Police Lock-up, and on the 13th of June she was brought before the Magistrates, and for the first time evidence was given in her presence.

THE MAGISTERIAL INQUIRY.

Magisterial inquiry.

Only two Magistrates sat officially to hear the evidence—viz, Sir William B. Forwood and Mr. W. S. Barrett.

It was noticed in the Press, as a notable circumstance, that not a single person belonging to the circle in which the Maybrick family moved was present in court.

They had all deserted her and fled. What sort of circle of society could this be ?

Superintendent Bryning opened the charge thus—

DIARY

"The prisoner (Mrs. Florence Maybrick) is charged with the murder by poisoning of her husband, the late Mr. James Maybrick, at Garston, on the 11th May last. It is my duty before calling witnesses to state the circumstances which have led to the preferring of so serious a charge against the prisoner. I do not propose to do this at length, but simply to state what appears to me the salient points of the case, and then to leave the witnesses to make their own statements. I propose to state the circumstances as nearly as possible in chronological order, so that it may be the more easily followed. Mr. James Maybrick was a cotton merchant, whose place of business was Knowsley Buildings, Tithebarn Street. He lived at Battlecrease, Riversdale Road, in Garston. He lived there with his wife and two children, and his domestic servants consisted of four—namely, Ellen Humphreys, the cook; Bessie Brierley, the housemaid; Mary Cadwallader, a waitress; and another, whose name I do not just remember. From what the police know, it appears that he and his wife lived happily together until about the time of the Grand National this year, which was run on the 29th March. It appears that about two or three weeks before the Grand National—or more—the prisoner and a person whose name I may mention now, as it will have to be mentioned later on, were staying at the Palace Hotel, Birkdale, and the prisoner, in conversation with a Mrs. Samuelson—I don't know why she should have spoken of it to her—at any rate, she said to Mrs. Samuelson that she hated her husband. On the 21st March, about a week or two before the Grand National, the prisoner made arrangements by letter with a Mr. Flatman, who keeps a private hotel in London, for a private room and bedroom, and she went there after the arrangements were completed. Mr. Maybrick remained at home, and was not absent from his home from the 21st to the 29th March, and, as I said, Mrs. Maybrick arrived in London on the 21st March, and occupied the apartments she had engaged. She was joined on the 21st March by a man who was recognised as Mr. A. Brierley, who stayed there, occupying the same room and bedroom up to the 24th March, on which day he and the prisoner left hurriedly. After that I have no reason to doubt that the prisoner conducted herself with propriety while in London, and she returned from London on the 28th March. Now on the day of the Grand National a party of ladies and gentlemen went from Aigburth to Aintree Races. The prisoner and her husband were of that party, and Mr. Brierley was also there. The prisoner at Aintree left the omnibus in which they went to the races, accompanied by Mr. Brierley. She was away for some time, and they afterwards returned to the omnibus together. This, doubtless, was an offence to Mr. Maybrick, for he said something to his wife on her return, and after that the prisoner, again speaking to Mrs. Samuelson, who was of the party, said to her that she would give it him hot and heavy for speaking to her like that in public. They returned home on the night of the Grand National, but not together, and when at home a quarrel arose, and no doubt the quarrel will be described to you, but the prisoner went on the next day to Dr. Hopper and also to a Mrs. Briggs, and told them about the quarrel. At that time the prisoner had a black eye, the result of the quarrel. She told Dr. Hopper and Mrs. Briggs about the quarrel, and spoke about the advisability of her getting a separation, but she was dissuaded from the idea, and nothing was done. A week or two after the Grand National, some witnesses said a week and some said a week or two, a curious incident happened. During a day at which Mr. Maybrick was at business and when the prisoner was at home, a servant named Brierley in going into the bedroom which was used by the prisoner and the deceased found a number of fly-papers steeping in a basin on one of the tables in the room. Brierley told Alice Yapp about this, and the latter went into the bedroom, and she also saw them. What became of the fly-papers and the liquid in which they were seen there is absolutely no trace. But it may be remembered that about this time—a week or two after the Grand National—

the period which I am about to mention is fixed by dates upon prescriptions—Mr. Maybrick's health became unsatisfactory. In consequence of this he visited his brother, Mr. Michael Maybrick, in London, and consulted Dr. Fuller, his brother's physician. Dr. Fuller prescribed for him, and the date upon the prescription shows the date of the visit to London, that is the 14th of April, a week or two after the Grand National, and coincident with the time these fly-papers were found in the bedroom. In the prescriptions none of the ingredients was arsenic. Beyond doubt the deceased had medicine made up from these prescriptions in London, because the stamp of Messrs. Bell, a well-known firm of chemists, was impressed upon them. On the 24th April Mr. Maybrick also had medicine made up from these prescriptions at Messrs. Clay and Abraham's, in Liverpool. This medicine was mixed up and put into two bottles, and the two bottles were taken away by Mr. Maybrick himself. One of these bottles, containing a mixture, was found when this inquiry was going on in Mr. Maybrick's office. The other was found in the lavatory of the house, and it then contained a small quantity of liquid. Perhaps it is important to mention this because in respect to these bottles something will be shown, but I purpose leaving it out until the proper moment arrives. On the 24th April, the day on which the medicine was mixed at Messrs. Clay and Abraham's, the prisoner went to a chemist's shop at Grassendale, and there bought a dozen fly-papers, and what became of these fly-papers there is no trace whatever. It is perhaps significant that these papers should have been bought at a time when Mr. Maybrick's health was becoming worse. A day or two afterwards Mr. Maybrick was compelled to call in the assistance of a doctor. On the 29th April the prisoner purchased two dozen of fly-papers at another chemist's in Garston, and as to what became of these there is no trace whatever. On the 29th April, the date on which this last purchase was made, Dr. Humphreys, of Garston, was called to see Mr. Maybrick, and he will say what symptoms Mr. Maybrick was suffering from. Dr. Humphreys prescribed for him, and in addition to a prescription for medicine which he gave he also ordered that Mr. Maybrick should have for luncheon some Du Barry's food. On the 30th April, or the 1st May, Humphreys, the cook, procured this Du Barry's food for the purpose of its being taken to the office, there to be partaken of by Mr. Maybrick. Mr. Maybrick took this to town on the 30th April or the 1st May, and bought, for the purpose of warming it, a new pan and basin. He did warm it and partook of it. On the following day he went to the office, but forgot his luncheon, and after he had gone Mrs. Maybrick gave to Mr. Edwin Maybrick Mr. Maybrick's luncheon, and requested him to take it to his brother's office, and give it to him. Mr. Edwin Maybrick received it from the hands of Mrs. Maybrick, and conveyed it to his brother's office in Liverpool, where he saw his brother, the deceased, take some of it. The deceased afterwards became unwell. After the death of Mr. Maybrick inquiries were made by the police, who went to the deceased's office, and there took possession of the pan, basin, and jug in which Du Barry's food had been carried and prepared, and upon analytical examination they were found to contain arsenic. It is remarkable that these were the only things in the office which contained arsenic—those which had warmed the things which had undoubtedly come through Mrs. Maybrick's hands. A bottle which had been obtained from Clay and Abraham's, and which was found at the office by the police, was, upon examination, ascertained to be free from arsenic, whereas another bottle of the same kind which was at their house, and was found in the lavatory, contained a small quantity of arsenic. On Saturday, the 4th of May, Mr. Maybrick took to his bed, and from that date to the 8th of May he was attended solely by the prisoner, who forbade the servants to go near him, and directed that any medicines or food which were to be given to the deceased should be given to him from her hands only. Dr. Humphreys attended him all this time. On the 7th of May Dr. Carter was called in, and he will describe the symptoms the deceased was suffering from. On the 8th of May what may be termed the "letter incident" occurred. On

DAVEY

that day the prisoner gave Alice Yapp a letter to post addressed to Mr. Alfred Brierley, 60, Huskisson Street, Liverpool. Alice Yapp took the letter, but on the way to the post-office it fell into the mud, and in consequence of that she opened the letter, intending to re-post it, but before putting it into a clean envelope she looked at the letter, and found it what she considered to be of a compromising nature. She therefore retained the letter, which ultimately found its way into the hands of Mr. Michael Maybrick. The letter I do not wish to characterise. It was an exceedingly remarkable one, inasmuch as it referred in one passage to Mrs. Maybrick's husband as being "sick unto death," and in another passage she said: "It only remains to see how long his strength will hold out." This letter and other matters related to Mr. Michael Maybrick caused a certain amount of suspicion to be attached to Mrs. Maybrick. Professional nurses were therefore called in, and a certain amount of watchfulness was kept over the prisoner with respect to her relations to her husband. Subsequently a fresh bottle of Du Barry's food was given by Mr. Edwin Maybrick to Nurse Gore. This Nurse Gore put on the landing, where it remained on a table to the 9th. On the 9th Mrs. Maybrick carried it into her husband's bedroom, took a small portion out, and gave it to the deceased, afterwards placing the bottle on a small table in the bedroom. On the night of the 9th, a little after midnight, the prisoner, who was in the bedroom—her husband being then asleep—took the bottle from the table, and went into the dressing-room, adjoining the deceased's bedroom. She remained there for about two minutes, and on returning to the bedroom she told Nurse Gore to go and get some ice for the deceased. Had Nurse Gore done so she would have had to leave the room, and go on the landing. Nurse Gore, however, did not comply with the request of Mrs. Maybrick. She says that Mrs. Maybrick then placed the bottle in a suspicious manner upon the table. This bottle was taken possession of by Mr. Edwin Maybrick, who gave it to Dr. Carter, and Dr. Carter tested it and found the contents mixed with arsenic. He gave the bottle to Mr. Davies, the analytical chemist, who upon examination found it to contain arsenic as stated. Mr. Maybrick died on the night of the 11th May. About three or four hours after his death Alice Yapp on going into the linen closet for some clothes for the children, preparatory to their removal next day, found a parcel containing arsenic. Among other things found were poison—arsenic in boxes, a tumbler—altogether about five or six boxes, all of which contained arsenic. I have now closed my statement, except by saying that a *post-mortem* examination was made on the remains of the deceased by Dr. Humphreys, who attended him during his illness, and he will say that the cause of Mr. Maybrick's death in his opinion was an irritant poison, probably arsenic. Upon the body of the deceased being examined arsenic was found in several of the organs. Myself and others made inquiry into the matter, and I took the prisoner into custody. On being charged on suspicion of having caused the death of her husband, she made no reply. She was afterwards charged with having murdered him, but she still made no reply. I now purpose to call witnesses, and if the witnesses I call bear out the statements I have made in the main points, I submit there is sufficient evidence for you to commit the prisoner for trial at the assizes."

The first witness was *W. H. Clemmy*, surveyor, with plans of the first floor and ground floor of Battlecrease House.

Dr. Hopper.

Then *Dr. Hopper* was called and gave somewhat similar evidence to that given at the Inquest, as to the reconciliation of the quarrel at the Grand National, the 29th of March, and to the habits of the deceased of dosing himself.

Mrs. Briggs.

Then *Mrs. Briggs*, with similar evidence to that given by her at the Inquest, but explaining that when she suggested to Mr.

Maybrick to write the letter to Brierley for help, which she handed to the policeman, she had done it "in sarcasm."

Then *Alfred Schweisso*, the waiter at Flatman's Hotel, as to Brierley and Mrs. Maybrick having stayed as man and wife there from the 21st to the 24th March. Schweisso.

Then the servants *Bessie Brierley* (the house maid), Alice Yapp (the children's nurse), Mary Cadwallader (the parlour maid), and Elizabeth Humphreys (the cook), with similar evidence to that given by them at the Inquest. Bessie Brierley.

Then *Edwin Maybrick* with similar evidence to that given by him at the Inquest, and then the court adjourned. Edwin Maybrick.

The Liverpool *Daily Post* reported—

"When Mrs. Maybrick rose to leave the court, in order to reach the door, she had to meet full-face a tier of lady spectators at the back, and the moment she turned round, *the ladies started hissing her with unmistakable signs of disgust*—Mrs. Maybrick made haste to get away—the presiding justice immediately shouted to the officer on duty to shut the door, while the burly figures of several policemen who made forward towards the hostile spectators effectually put an end to the outburst." *Liverpool Daily Post.* Hissing Mrs. Maybrick.

The police, when charging Mrs. Maybrick before the Magistrates, repeated the tactics which had served them so successfully before the Coroner and his Jury. The police put the cart before the horse. They charged Mrs. Maybrick with murder, and occupied themselves mainly during the first day of the Magisterial Inquiry with showing she had committed adultery, and the "ladies" of Liverpool revelling over the exposure of the weakness of a weak woman, "hissed her," without waiting to see what evidence there was about murder, and without waiting to hear a word of her defence. One would think that the morality of the "ladies" of Liverpool who hissed must have been in a very precarious condition to have made them so eager to proclaim their own virtue and their scorn of a fallen sister. Cart before the horse.

It was amid scenes of this kind and after preparation of this kind that on—

June 14th.—The Magisterial Inquiry was resumed, and the evidence connected with the charge of murder gone into.

The first witness called was—

Eliza Busher, the charwoman at the office who had washed out the pan, basin, and jug, which James Maybrick had used when warming up his luncheon at the office on the 1st and 2nd of May. Eliza Busher.

Thomas Lowry, the clerk, who had bought the pan and basin. Lowry.

Then came *Michael Maybrick* with similar evidence to that given by him at the Inquest, with the addition that it was elicited Michael Maybrick.

DIARY.

from him in cross-examination by Mr. Pickford, that he had received a letter from Mrs. Maybrick *early in March*, asking him to speak to his brother about taking a powder :—

Warning about white powder.

"Mrs. Maybrick wrote to me a letter about my brother's illness about March. It was in the early part of March. I did not keep the letter. I believe she spoke about her husband taking some particular medicine. I think it was *a powder* she spoke of, but I really don't remember, my recollection is very vague. Something was said about my brother being very irritable when spoken to about this medicine."

Magisterial inquiry.

Clay and Abraham.

Then came *Bernard Robinson* and *F. E. Tozer*, chemist, assistants to Clay and Abraham, to prove that the ingredients of some medicines prescribed by Dr. Fuller and made up for James Maybrick himself on the 24th April were pure and free from arsenic.

Wokes and Hanson

Then came *Thomas Wokes* and *Christopher Hanson*, two chemists in the neighbourhood of Battlecrease with whom the Maybricks dealt regularly, to prove that Mrs. Maybrick had openly purchased fly-papers from them in April.

Nurse Gore.

Then came *Nurse Gore*, with her evidence substantially the same as given at the Inquest about Mrs. Maybrick having on the night of the 9th of May taken a bottle of Valentine's Meat Juice into the dressing-room and replaced it on the *washstand* in the bedroom, and how she *suspected* it had been tampered with, and did not give any of it afterwards to the patient, and how the next day she saw Michael Maybrick take it off the *washstand*.

Nurse Callery.

Then came *Nurse Callery* with her evidence, that when she relieved Nurse Gore, her attention was called to this Valentine's Meat Juice, and that at Nurse Gore's request, she had *taken a sample*, and subsequently under directions from Nurse Gore had thrown *the sample away*, but with this variation in her evidence to that given at the Inquest, that while at the Inquest she said the Valentine's Meat Juice was on the *table*—she now said it was on the *washstand*.

Nurse Wilson.

Then came *Nurse Wilson*, with her evidence substantially the same as given at the Inquest—that Mr. Maybrick the night before his death had said three times—

"Oh, Bunny, Bunny, how could you do it? I did not think it of you!"

Mrs. Hughes.

Then came *Mrs. Hughes* to say she had found the letter from Brierley to Mrs. Maybrick [see facsimile] when she was searching for the "keys."

Dr. Humphreys.

Then came *Dr. Humphreys*, who had attended the deceased throughout his illness, giving an account of the symptoms and remedies adopted, to say that he had not attributed the symptoms to poisoning, although poisoning had been suggested to him, and—

"I attended the post mortem with Drs. Carter and Barron. The conclusion I arrived at was that death was due to *some irritant poison*—I formed this opinion *before* death as well as *after* it. *I should not like to swear to the specific poison. I found evidence of an irritant poison in the stomach and bowels, but not in the liver. We could not swear at that moment that he had had poison.* My opinion *at the present moment*, taking the symptoms collectively, and the post-mortem appearances, *and the result of the chemical analysis of different organs of the body* is, that he died of *arsenical poisoning.*" Cause of death.

Q. You attended him from the 28th of April until the day of his death, 11th May?

A. Yes.

Q. When was the first time you apprehended fatal results?

A. The first time I felt positive about it was Friday, the 10th of May.

Q. Not before that?

A. No.

Q. For some days after you began to attend him, you had no reason to believe his symptoms arose from anything but natural causes?

A. I had not.

Q. *They were symptoms of indigestion and congestion of the stomach which might be produced by a variety of causes?* DIARY.

A. *Quite so.*

Q. As to the *post-mortem appearances*, what did they substantially come to?

A. We found a considerable amount of congestion and inflammation of the stomach and intestines. There was some hæmorrhage, and that implies that there must have been some very acute form of inflammation.

Q. Would they also be consistent with congestion from any cause—any irritant, arsenical, or metallic poisoning? *Would not the post-mortem appearances be consistent with congestion of the stomach* from ordinary *poisoning?*

A. *There is no such thing.*

Q. *I was using an expression of Dr. Carter's.*

A. Do you mean poisoning from *decomposed food, tinned meat*, or anything of that kind?

Q. Yes.

A. *I cannot say.*

Q. *You cannot say they are consistent, or you cannot say they are not?*

A. *No, I cannot say.*

Q. Then as I understand it, you had no idea that his *symptoms* arose from irritant poisoning *until it was suggested to you?*

A. *Yes, that is so. The suggestion was made before the conception of the idea in my mind.* But the illness arose from irritant poison *afterwards*, I thought the appearances were sufficient to account for it.

Q. *Now, amongst other things you prescribed for Mr. Maybrick, you did* prescribe some *solution of arsenic.*

A. *I did.*

Q. When would that be?

A. *On the Sunday or Monday after I was called in* [*May 5th or May 6th*].

Q. You say that amount of arsenic would not have left traces in the body?

A. *Certainly not*, after *two* or *three* days.

Q. And he did not take it for that time before death?

A. Not for *four* or *five* days.

I think my readers will come to the conclusion from this evidence of the doctor who attended him—that but for *suggestions* Dr. Humphreys did not understand anything about the condition of his patient; that he did not know anything about Diagnosis by suggestion.

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arsenical poisoning; and that his opinion that the arsenic he administered would be eliminated from the body in *two* or *three* days, while James Maybrick lived *four* or *five* days afterwards, is not evidence upon which any of my readers would like to say that the cause of death was arsenic, or that any traces of arsenic found in the body (not in the *stomach*, for none was found there, but in the *liver*, where some minute traces were found) might *possibly* have not been eliminated in *two* or *three* days, but might have stayed there for the *four* or *five* days. Indeed, I think a great many of my medical readers will be very much surprised at Dr. Humphreys' ideas about the period in which arsenic is eliminated from the tissues of the body, and wonder where he got his *two* or *three* days' doctrine from. Dr. Humphreys said, at the Inquest, that he had never had any personal experience of arsenical poisoning, and that his only knowledge of it was acquired from his reading. I should like Dr. Humphreys to refer us to the medical book or authority from which he derived his knowledge—

"Certainly not, after two or three days."

There is, however, I think, some credit due to Dr. Humphreys. He not only displayed his ignorance about his patient, but he had the moral courage to admit it, and say that his diagnosis of his complaint was the "suggestions made to him."

Then Dr. Humphreys further gave evidence of a very important fact which he had kept back at the Inquest, and which he had also kept back in his evidence in chief, but which was dragged out out of him in cross-examination, namely, that Mrs. Maybrick had asked him, also, *early in March*, to try and stop her husband taking a *white powder*:—

Warnings about white powder.

"She did not know what it was. She thought possibly it was strychnine. She was alarmed about it. She was unhappy."

And, further still, that when he was first called in to attend James Maybrick, on the 28th of April, Mrs. Maybrick had spoken to him again about it, and he had gone and questioned James Maybrick about strychnine and nux vomica:—

Sir W. Forwood: On the 28th of April, what did Mrs. Maybrick say to you?
A. In going up stairs, she suggested—
Mr. Swift: Give her words.
A. I cannot give her words.
Q. A word or two may make all the difference.
A. Well! I cannot give them.
Mr. Pickford: What he said was, that she mentioned this white powder.
A. Yes, that was the word she used.
Sir W. Forwood: And, in consequence of this, you spoke to Mr. Maybrick?
A. Yes.

Mr. Swift: Was Mrs. Maybrick present then?
A. No, she was not.

Then *Dr. Carter* was called, and he substantially repeated his evidence at the Inquest; and said that when he was called into consultation, on the 7th of May, he thought James Maybrick was suffering from some grave error of diet; and his condition was much the same on his next visit on the 9th of May. That he had examined a bottle of Neave's Food given to him by Michael:— Dr. Carter. Analysis of Neave's Food

"I examined it, owing to some uneasiness."
Mr. Pickford: Never mind the uneasiness!
A. I may state, however, that the food has been analysed, and there was nothing in it.

Dr. Carter then went on to say that on Friday, the 10th [the day before death], a bottle of Valentine's Meat Juice was given him, and that he— and Valentine's Meat Juice.

"examined it partially on Friday, and again on Saturday, with the result that arsenic was found in it."
Q. What quantity of arsenic would there be in it? Magisterial inquiry.
A. The quantity *must have been* considerable, owing to its immediate deposits on the copper. The quantity I cannot say.

Dr. Carter could have said what the quantity was, if he had found any *weighable arsenic!*

Dr. Carter then gave evidence as to the appearances at the post mortem. Dr. Carter.

Q. On the 13th, you assisted at the post mortem, with Dr. Humphreys and Dr. Barron?
A. Yes.
Q. Did you come to the same conclusion as Dr. Humphreys?
A. *Yes, but in a more positive manner.*
Q. Did you find arsenic anywhere?
A. We found *evidence of an irritant poison.* That is all we could find.
Q. Where?
A. *In the stomach and intestines.*
Q. Did you find arsenic?
A. No.
Q. You don't find arsenic except by analysis?
A. Only by analysis.
Q. *What do you say was the cause of death?*
A. *Some irritant poison—most probably arsenic.* Cause of death.

Well! whatever it was—whether most probably arsenic or not—Dr. Carter has, I think, given the best description of himself, when he says he formed the same opinion as Dr. Humphreys!—but "in *a more positive manner*"!

Dr. Barron was then called, and gave his evidence as to the appearances at the post mortem. Dr. Barron.

Cause of death.

Q. *Do you agree with Dr. Carter!*
A. *Not exactly.*
Q. What in your opinion was the cause of death?

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A. I consider from the post-mortem appearances that death was due *to inflammation of the stomach* and bowels due to *some irritant poison.*

Q. *Can you say what sort of poison?*

A. No.

Q. That is as far as you can go?

A. Yes.

Q. Dr. Carter, when before the Coroner, said he meant by poison something that was bad—it might be tinned meat, bad wine, or an indiscreet dinner. Do you look at poison in that wide way?

A. Poison might be bad tinned meat, bad fish, mussels, and generally bad food of any kind, or alcohol in excess.

Well! That completed the medical testimony as to the cause of death. What the magistrates made out of it I do not know; but I do not think that any one of my readers would have come to any conclusion that James Maybrick died of arsenic out of that!

Mr. Davies, the analyst.

Then *Mr. Davies* gave evidence as to the result of his analysis of certain bottles and things, some 250 of them, which were found in the house and office after death, and said he had found arsenic in a packet of powdered rat poison, being charcoal and arsenic, which was labelled "Arsenic. Poison for Cats;" and in a bottle and tumbler containing a solution of this powder, and in a bottle containing what he described as "a saturated solution of arsenic," and in a bottle containing some solid arsenic, and that he had found twelve-hundredths of a grain of arsenic in a bottle of Valentine's Meat Juice, and a trace of arsenic in the rinsings of the pot, pan, and basin at the office, and in a bottle at the house—

Valentine's Meat Juice.

"a weak solution. I could not give a quantitative analysis; *there might* be one-tenth of a grain in the whole bottle—that is, if the bottle were full!"

Clay and Abraham.

That he also "detected arsenic" in a bottle of medicine, Clay and Abraham's—

"there *must have been* a moderately small quantity in the bottle."

Glycerine.

And in a 1lb. bottle of Price's glycerine he found—

"arsenic *to the extent of two-thirds of a grain.*"

Fly-papers.

That he found arsenic in some fly-papers of Hanson's and Wokes, similar to those purchased by Mrs. Maybrick in April.

The body.

And that as to the body of the deceased, taking the parts selected at the post mortem, he had found no arsenic in the stomach, but a *trace* in the intestines, and that as to the liver and kidneys—

"*Supposing the arsenic was distributed equally over it, it would be about one-eighth of a grain. I also found arsenic in the kidneys, but in too small a quantity to obtain a satisfactory analysis.*"

And then Mr. Davies explained that when he spoke of a *trace*, he meant something under say the one-hundredth part of a grain;

something which he could not guarantee to be "absolutely free from other things," and that "anything under one-hundredth part of a grain I should not consider satisfactory." That he meant by a "distinct trace," something between one-hundredth and one-thousandth part of a grain, and by a "minute trace," something less than one-thousandth.

Then Superintendent *Bryning* repeated his evidence at the Inquest, as to how he had taken Mrs. Maybrick into custody.

And that being the case of the Police against Mrs. Maybrick, Mr. Pickford, as counsel for Mrs. Maybrick, said :—

Defence reserved.

"I understand that concludes the evidence for the prosecution, and I should like to ask for the guidance of the bench, if they have formed a clear opinion that they ought not to dispose of this case, but send it before a jury; then I will not trouble them. I would not think it right to go fully into the defence here. If on the other hand they think it a case they should decide themselves, then that is another matter.

The magistrates then retired, and after a brief consultation returned into court.

Sir W. H. Forwood: Our opinion is that this is a case which ought to be decided by a jury.

Mr. Pickford: If that is clearly the opinion of the bench I shall not occupy their time by going into the defence now, because *I understand whatever defence may be put forward the bench may think it right for a jury to decide it.*

Chairman: *Yes, we think that it is so.*

Mr. Pickford: *That being so, it is no use my occupying the time of this court in giving my defence, and I shall reserve it.*

Mrs. Maybrick was then ordered to stand up, and formally charged in the usual manner.

Mr. Pickford (to prisoner): *Do not speak, I will reply for you.*

Prisoner made no reply, and Mr. Pickford said, "I reserve my defence."

Committal by magistrates.

Sir William Forwood: Florence Elizabeth Maybrick, it is our duty to commit you to take your trial at the ensuing assizes for the wilful murder of the late James Maybrick.

Mrs. Maybrick was then removed in custody.

Well, I think my readers will find it somewhat difficult to understand why these magistrates committed Mrs. Maybrick to trial for murder on that evidence. There was certainly not sufficient evidence that the cause of death was arsenic! The doctors could not say so. The analyst had found no arsenic in the stomach, the appearances of which, at the post mortem, Dr. Humphreys said were *consistent with* either poisoning or ordinary congestion of the stomach, but he had found a minute quantity of arsenic after examination in the liver, certainly not enough to cause death, the appearance of which, at the post mortem, Dr. Humphreys said showed no evidence of any irritant poison, and Dr. Carter agreed with Dr. Humphreys, "*but in a more positive manner*," and Dr. Barron *did not exactly agree* with Dr. Carter!

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The analyst had found arsenic and traces of arsenic in some bottles and things which had been found in the house *after* death, as to which, where they came from or who had put them there, nobody knew anything about!

However, there had been some evidence that Mrs. Maybrick had committed adultery with Brierley, at an hotel in London, in March, and so the magistrates committed Mrs. Maybrick for trial for murder in May!

I do not know whether any of my readers, now that the excitement of the Maybrick mystery is over, can suggest any other reason; but if they cannot, I will ask them, whether they intend to allow criminal proceedings to be conducted in this way in this country—whether they intend to allow magistrates to expose any woman, whatever her station in life, to the horrors of a criminal trial for murder in May, because she had committed adultery in March?

Mr. Pickford reserved the defence, and Mrs. Maybrick was taken back to gaol, and the "Maybrick Mystery" continued to exercise the minds of those who would have to sit as jurymen at her Trial; and the Press, in the meantime, kept up the excitement of this mystery by suggesting this or that theory of what the defence would be.

[NOTE.—*I insert here a facsimile of one of Mrs Maybrick's letters written when in Walton Jail on the 21st of July, a few days before her Trial. I do so for the purpose of enabling my readers to form an opinion whether the hand-writing or the substance of the letter can suggest any such idea as that Mrs. Maybrick could have had a consciousness of guilt at the time she wrote it, or could have had any fear as to the result of her Trial. On this 21st of July she had been more than seven weeks in Walton Jail, and her Trial was coming off in a few days. Is there a single one of my readers who can think that this letter, written under such circumstances, was written by any woman who was conscious of having compassed her husband's death? or across whose mind any other feeling was crossing than that of indignation at such a crime being imputed to her and at the desertion of her by those who ought to have protected her when such a charge was made? Is there anyone of my readers, who, being innocent and being placed in a similar position, across whose minds similar feelings would not pass and would not find expression? the thought of her children first and then the thought of herself left deserted at such a time.*

"I am feeling better on the whole, but my whole faith in human nature is at an end."

These are words which, I am sure, will find an echo in the ears of every one of my readers.

A. W. McD.]

L. P.
O 4.

From Walton

H. M. Prison,

21st July 1889

My dear Mother.

I cannot find the letter of Nurse Yapp directed to Mrs Adams, but she said in it, the children had been very ill with bad colds, which after following on a severe attack of "hooping-cough" naturally make me anxious to think it might run into congestion of the lungs. I gather from Mrs Woolley's letter that the children return to Liverpool on Tuesday. I think that during those days that Nurse Yapp has to attend Court, Edwin May Brock had better arrange with their

old Neville / now married / Mrs
John Oner. 47 Emperom Street
Smithdown Rd "Edge Hill" to
take charge of them during the day
as neither Mrs Walton or her
servants can be expected to devote
themselves entirely to them for 3 or 4 days
at the least —
I am fairly better on the
whole, but my whole faith
in human nature is at an
end. I did believe however, the
"blood was thicker than water"
under no matter what circumstances
stained, but the May brick
have effectually cured me
of that illusion. since they
have forsaken their own flesh & blood
such stagnant water too! —
I could have believed it of
Rachael M—, but I did think
Edward had true & returned
some of the trust & affection
I had thrown away upon
him

for so many years. Yet the last
day of retribution will come.
For God is just! ——
With love dear
Your child
Flora.

GRAND JURY.

The next stage was the opening of the assizes at Liverpool.

July 26th.—The Grand Jury was composed of—

Grand Jury.

H. B. Gilmour (foreman) Underlea, Aigburth.
T. Brocklebank, Liverpool.
P. Bates, Wavertree.
T. R. Bridsen, Bolton.
J. Branckner, Wavertree.
E. H. Cookson, Mayor of Liverpool.
D. Cunningham, Liverpool.
J. E. J. Ferguson, Kenyon Hall.
R. Formby, jun., Shorrock's Hill.
A. H. Jones, Park Hill, West Derby.
J. R. Kewley, Knotty Cross, Gateacre.
G. F. Lyster, Gisburne House, Liverpool.
H. Melly, Liverpool.
T. Marshall, The Larches, Wigan.
W. Rogers, Wigan.
J. H. Stock, Knole Park, Woolton.
F. Silvester, North Hall, Standish.
A. J. Tod, Woolton.
P. C. Walker, Gateacre Grange.
T. E. Withington, Culcheth Hall.
M. B. Westhead, Lee Castle.

Mr. Justice Stephen addressed this Grand Jury as follows :—

"The next case I will mention to you is a case *which I have reason to believe has excited very great attention in this country*, and certainly if the prisoner is guilty of the crime alleged to her in the charge, it is the most cruel and horrible murder that could be committed."

I will just suggest that if that be so, it was plainly the duty of the Judge to have made every effort to allay the excitement which prevailed in the country by using language which could in no way excite this Grand Jury any more, and it is the more necessary to point this out because these speeches of judges to grand juries are reported in the local papers, and read by those who will as jurymen be called upon to sit at the trial and act as

judges of the accused person, and in this Maybrick case the defence having been reserved, and nobody knowing anything whatever of what its nature would be, it was plainly the duty of the Judge to select words which would convey to the larger audience he was addressing through the Press, and from whom the jury were to be selected at this time of excitement, that no person ought to form any opinion concerning the matter, and it was clearly the duty of the Judge to set an example himself by showing that until he had heard the other side *his own mind was absolutely open*, and that he had formed no opinion of his own, either as to any guilty motives or any guilty acts on the part of Mrs. Maybrick. That the position of matters simply was that the magistrates, having heard the evidence brought forward by the police only (the defence having been reserved by Mrs. Maybrick's counsel), had considered that there was a *primâ facie* case upon which to send Mrs. Maybrick to trial, but that it was the duty of every fair and honest mind not to allow that to operate in any way as a prejudice against Mrs. Maybrick, who must be regarded as innocent of this crime of murder laid to her charge until she had been tried and found guilty by a jury of her countrymen, and that the only question before the Grand Jury was whether they, like the magistrates, thought upon the evidence which would be produced before them by the Crown, there was a sufficient justification for putting Mrs. Maybrick on her trial; and Mr. Justice Stephen should have specially warned this Grand Jury as the case had excited so much attraction that they must address themselves to that question, and that question only, and banish from their minds the dangerous excitement of mystery; that the question, and the only question upon which Mrs. Maybrick, if they did find a true bill, could be tried upon the indictment as presented, was whether James Maybrick's death on the 11th of May, 1889, was due to poison feloniously administered to him by Mrs. Maybrick.

Mr. Justice Stephen's Charge to Grand Jury.

We will now set forth the words in which Mr. Justice Stephen did address this Grand Jury, and did address through the reporters of the newspapers those who would be selected as jurymen to act as her judges at the Trial.

"I refer to the case of Florence Elizabeth Maybrick, who is charged with the wilful murder of her husband, James Maybrick. The case is one which will no doubt occupy a very considerable time, and, as I have said, it has attracted a great deal of attention. I will speak very shortly on the nature of the circumstances and the nature of the case, because to any one who has been accustomed to the transaction of criminal business it is perfectly obvious that the case is one in which every part of the allegations will be vigorously contradicted, and in which the circumstances will be questioned. *I know not, of course, what the defence may be which may be set up* for Mrs. Maybrick, but it is *quite possible* that evidence *may* be given on her behalf which *may be* of very

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great importance. You have nothing to do with that however, and all I have to say is to point out to you, very shortly, *the facts apparently proved* by the prosecution as far as they bear on the case.

"Gentlemen, I think you know Mrs. Maybrick's husband was a cotton merchant in the city, and although these matters are hardly contested, *he appears to have been unhappy enough* to have had an unfaithful wife. Whatever may be thought of the rest of the case, letters are produced which render it very difficult not to believe—in fact I should think it almost necessary to admit—that she was carrying on an adulterous intrigue with a man of the name of Brierley. It appears that *either with the object* or for some other reason not very clearly set forth, on the occasion of the Grand National Steeplechase, which took place on the 29th of March, *there was a very violent quarrel* between Mrs. Maybrick and her husband. Some time after that quarrel took place suspicious circumstances were noticed. I think the first circumstance of any leading or remarkable kind which was noticed was the

Fly-papers.

fact that she used to put into water a certain quantity of fly-papers, the proper use of which is the destruction of flies, but which contain a certain quantity of arsenic. *These papers, which nobody can have proper occasion to use except it be to kill flies,* were found *in, not exactly her room,* but a room to which, of course, she had access. They were found soaking in water, and *that water in which they were soaked would become impregnated with arsenic, and might have been used for poisonous purposes.* A good many incidents occurred, some in the month of April and in the early part of May, which produced symptoms in Mr. Maybrick, the nature of which can be explained to you by the medical men whom he consulted. He stated that his legs felt very much numbed, and complained of what he suffered in that way. There were many minor matters—a crowd of things which happened about the early part of May. *On the 3rd of May he was taken very ill.* The illness appears to have consisted principally of very great congestion and disturbance of the stomach, which went so far that as time went on he was in very great and continued sickness. The disturbances of the stomach went to the extent that he was unable to retain anything on his stomach. That went on with several alterations of better and worse for several days. *On the 8th of May, a very striking and remarkable incident happened, to which your attention will be directed.* Mrs. Maybrick in the course of that day gave one of her

Mrs. Maybrick's letter to Brierley. (See facsimile.)

servants, a nurse, a letter addressed to Mr. Brierley in Liverpool, which she wished her to post by a particular post—I think it was between three and four o'clock. The servant went out with a child whom she called the baby, I suppose it was the youngest child of the Maybricks, and she gave it the letter to hold. The child carried it for some distance and, in crossing the road, she dropped it into a puddle. The nurse took it up and found that it was very dirty. She then went to the Post-office with the intention, as she said, of getting a new envelope, and redirecting it—I suppose, at all events in order to post it. However, when she got to the Post-office she seems to have opened the letter, and in doing so *she noticed some expressions in it which attracted her attention, indeed, would have attracted anyone's attention.* The girl, after seeing these expressions, did not post the letter, but took it home and gave it to one of Mr. Maybrick's brothers, who was in attendance on the sick man. There can hardly be any doubt that the letter implied in its terms an adulterous connection between Mrs. Maybrick and Mr. Brierley. Then, in addition to that, there are in that letter *expressions which there may be many ways of reading.* I merely wish to speak here of what will be read *actually on the depositions,* and do not wish to go into commentaries which may be made on the reading of the letter. But it contained these

Sick unto death.

expressions very nearly in the first lines: "He is sick unto death," the reference, apparently, being to Mr. Maybrick, who had been referred to in the very beginning of the letter as "M," whom she, Mrs. Maybrick (as she said)

had been nursing for some days. So she had. Then she said, "He is sick unto death." *That, of course, if it is interpreted, meant that Mr. Maybrick was sick unto death, when at the time it did not appear that any one had told her that he was in danger, a circumstance of the greatest possible suspicion.* However, whatever that may be, what follows shows the terms on which she was with Mr. Brierley. And I should observe, in addition to that, that there is evidence on the depositions to show that she had been to London, and that she met a gentleman. There are some strange peculiarities about that part of the story, which I leave out. She had been to London, and there met Mr. Brierley, with whom she slept on two occasions during her absence from home. Of course, if that is proved, there can be no doubt as to what her relations to him were. *But certainly if she stood in those relations to him, I hardly know how to put it otherwise than this: that if a woman does carry on an adulterous intrigue with another man, it may supply every sort of motive*— that of saving her own reputation; that of breaking through the connection, which, under such circumstances, one would think would be dreadfully painful to the party to it. *It certainly may quite supply—I won't go further—a very strong motive why she should wish to get rid of her husband.* Gentlemen, those matters will be brought before you, and you will have to consider them. After that, Mr. Maybrick appears to have got worse. *He had but a short time to live. This took place on Friday, and he died on Saturday afternoon.* There will be a good deal of evidence as to the different things of which he took a part; but he got worse, and finally died on Saturday afternoon, the 11th May. I will pass over very lightly indeed what was found immediately after his death. A variety of things were found, which rendered it natural to suppose he had been poisoned. There was what I have already-mentioned, the fly-papers; but I will also mention several things which, when the medical men came to examine them, were, they say, found to contain arsenic. There was a bottle of what is described as Valentine's Meat Juice, that contained arsenic; there were some other things which also contained arsenic, a bottle of brandy, and other things, all of which were said to have arsenic in them. In the course of the *post-mortem* examination it appeared that they found arsenic in a number of the parts of the body. There was arsenic in the liver, and some other places—but I am speaking entirely from memory. They found arsenic in various portions of the body. That of course, is a matter of the utmost suspicion. It appears she administered the medicine to him until they called in a nurse. There were several professional nurses, but I don't think they were called in until a day or two before his death. It was by them that the medicine and things were found.

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Adultery motive for murder.

"After the death, after the examination of the man himself, I may tell you that they made a search through the house, and they found a variety of things, some of which contained arsenic. There were some things kept in a chocolate box which contained arsenic; and there was in addition—I hardly know what to call it—some kind of stuff which apparently contained arsenic, because there was the word 'poison' on it, and afterwards like a sort of postcript written in ink the words, 'for cats,' so as to make it read 'poison for cats." That appears to have been found in a box over which Mrs. Maybrick had charge, but which was used for the children who were about the house. That is a very bare outline of the case, and I have made it a very bare outline, because you have to consider not whether she is guilty or not guilty, but whether there is sufficient evidence to put her on her trial for poisoning her husband with arsenic, and for causing his death. There are very many circumstances of the case which will be brought out, on one side or the other, fully—circumstances such as I have mentioned, and such as will be suggested in the course of the inquiry—and you will have to consider whether they are sufficiently suspicious to put the prisoner on her trial. I may sum it all up in a very few words, which, however, may be sufficient to guide you in

See Search on Premises.

your inquiries. It seems that a state of things existed between her and her husband and Mr. Brierley, which might—although it was not certain to say—operate as a strong motive to her to get rid of him. It appears that she nursed him during very nearly the whole of his illness. Nursed him and administered to him the food and medicine which he took. It appears, I say again, it is in evidence, although you have not evidence on the other side, and do not know what may be put in, but there certainly is evidence that poison was found in various parts of his body, and that the symptoms of the disease from which he suffered, and which I do not think it necessary to insist upon, were symptoms of arsenical poisoning. If, after that, you think it desirable that the matter should have further investigation, you will find a true bill against her."

Now, I wish to direct the attention of my readers to this extraordinary speech of Mr. Justice Stephens to the Grand Jury and to the newspaper reporters, that they might supply it to those who were to sit as a jury at the trial of Mrs. Maybrick, in the event of the Grand Jury returning a true bill.

I think I may say of this speech that it is impossible for any one reading it to have the slightest doubt that Mr. Justice Stephen (without waiting to hear what the defence was) had arrived at a conclusion in his own mind that Mrs. Maybrick had murdered her husband, on the ground that, if it was proved, or admitted, that she did commit adultery with Brierley—

"It certainly may supply—I won't go further—a very strong motive why she should wish to get rid of her husband."

Mr. Justice Stephen.

I do not think that there is any one of my readers, even now, when the excitement of the Maybrick Mystery has passed away and apathy has set in, who can have the slightest doubt as to what Mr. Justice Stephen's view of the case was, or the slightest doubt that he intended by that speech to convey to the Grand Jury, and to the newspaper reporters, for the jury who would have to try it, what his view of the case was; and I do not think that there is any one of my readers who will not agree with me that such a speech delivered at such a time of excitement, was a very inflammatory one, and calculated to add to—instead of to allay—the excitement over the Maybrick Mystery, from which it should have been Mr. Justice Stephen's duty, as representing our Queen, to protect any person accused of crime.

Functions of Grand Jury.

Let us clearly understand what the functions of a Grand Jury are. They are most important functions. In all questions affecting the life and liberty of the subject they are the representatives of the people.

The Crown, as represented by the Magistrate, may *commit* a person for trial, but before an accused person thus *committed* can be exposed to the trouble and risk of a Trial by Jury, the Constitution provides in the Grand Jury a tribunal to decide whether the magistrates were justified in exposing the accused person to any such trouble or risk. The Grand Jury are the supervisors

of the magistrates! Their function is a proud and most important and responsible one, and one in which they represent the people as entirely as if they were Members of Parliament; and it would be an evasion of their duties to the people if they submitted to any encroachment upon their duties by the Judge, in the form of any constraint, intellectual or otherwise.

When the day of the Assizes is fixed, the Judge attends as the representative of the Crown, to administer the laws. But before any Trial by Jury can take place, the Grand Jury are summoned to see the Calendar and decide whether the Crown shall be permitted to expose any person to the expense and risk of a Trial by Jury whom the Magistrates have chosen to commit for Trial at the Assizes. So strictly is this right of supervision over committals by the Magistrates by the people insisted on, that not only are the Grand Jury entitled to see the depositions of the witnesses at the Magisterial Inquiry, upon which the Magistrates committed the accused persons, but they are entitled to see the witnesses themselves, and form their own independent judgment as to the value of the evidence given in those depositions; and it is only in cases where they assent to any Trial by Jury taking place, that any accused person can be exposed to the trouble and risk of a Trial by Jury.

The functions of a Grand Jury are therefore such as make it necessary that their judgment should be left absolutely unfettered by any constraint whatsoever by the Crown, as represented by a Judge, or by any one else.

The Grand Jury must consist of not less than twelve and not more than twenty-four men, and is selected out of persons of sufficiently high rank in the county to make them as free as possible from any chance of being influenced by any local feelings on the one hand, or any constraint by the Crown on the other. *Their function is to stand between the Crown and the accused person*, and unless twelve of them agree to give their permission by returning a True Bill, no Trial by Jury can take place.

It is, therefore, of the greatest importance that we should, when considering the conduct of criminal trials, see that the Grand Jury perform their functions free from any constraint whatsoever.

Can any of my readers, with the speech of Mr. Justice Stephen before them, say that the Grand Jury at this Liverpool Assizes were left to come to their conclusion upon the evidence in the depositions before the Magistrates, unconstrained, or that their judgment was unfettered? After such a speech by a Judge could they have refused to return a True Bill?

Before the people surrender their absolute and exclusive right to judgment, in matters affecting Life and Liberty, by handing over the ultimate decision to a Court of Criminal Appeal—on the

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ground that Trial by Jury is very often a failure—let us, in the first place, jealously take care that our Grand Juries are allowed to perform their functions unconstrained and unfettered by the Crown. The Grand Jury are not summoned for the purpose of giving a dignified and impressive reception to a Judge when he opens the Assizes, and to hear "words of wisdom" from him on all sorts of subjects —political, social, philosophical, metaphysical, or any other, as for example, to take a recent instance at another Assizes in Liverpool, where a Judge made a speech to the Grand Jury upon the question whether the establishment of a Court of Criminal Appeal, as a substitute for Trial by Jury—as the ultimate decision in matters touching the Life and Liberty of the subject—would or would not be a good thing for the country. Although the opinion of any Judge, with his experience of what Mr. Justice Stephen describes as—

"the transaction of criminal business,"

is entitled to very great weight, and must be respected by everybody, still, what I want to point out is that the occasion of a charge to the Grand Jury is not the proper time for the expression of it. Such subjects as the establishment of a Court of Criminal Appeal cannot be dealt with except in Parliament, and the proper occasion for any Judge to promulgate his own political opinions upon the merits and demerits of such a proposition would be in the columns of our newspapers or in the pages of a magazine or treatise, and certainly not when exercising his judicial functions.

The Grand Jury are not summoned to hear lectures from Judges on any subject, however interesting and however important. Their function in—

"the transaction of criminal business,"

is to see that the Crown shall not be permitted to expose any person to the trouble and risk of a Trial by Jury unless they themselves are satisfied that the Crown, as represented by the Magistrates, were justified in committing them for trial.

The Grand Jury who were summoned to consider the calendar in which the case No. 24, Florence Elizabeth Maybrick, was included, had to consider whether the Magistrates were justified in committing her for trial on the charge set forth in that calendar, viz., the charge of murder.

Mr. Justice Stephen.

Mr. Justice Stephen had the depositions of the witnesses of the Prosecution as given at the Magisterial Inquiry, and, as the Defence was reserved, the question, and the only question, for the Grand Jury was whether the evidence of these witnesses for the Crown showed sufficient grounds for justifying the Crown in exposing Mrs. Maybrick to the trouble and risk of a Trial by Jury upon the specific charge of "murder," upon which she was indicted.

I want to dwell a moment—because Mr. Justice Stephen neglected to do so—upon those words, "specific charge of murder," because it was quite open to the Crown to have added, and the Crown usually does add, several counts to an indictment for murder. In this case, for example—if there was any doubt as to the actual cause of death resulting from poison—the Crown might have added a count for felonious administration of arsenic, and it might again have added another count, viz., for a felonious attempt to administer arsenic, in which case the Grand Jury would have had to consider the evidence of the witnesses for the Crown as bearing not only on the "specific charge of murder," but also as bearing upon either the count of felonious administration or the count of felonious attempt to administer. But the Crown did not add either of these counts to the indictment. The charge of the Crown was the "specific charge of murder."

There is a very good reason in this Maybrick case why the Crown did not include the counts of felonious administration or felonious attempt to administer in the indictment, and that is, that if they had it would have been necessary to specify in the indictment the specific occasion or occasions, with dates and circumstances, of the specific acts of administration and of the specific acts of attempt to administer—upon which they relied, and to which they imputed felonious intent—and there had been no evidence given at the Magisterial Inquiry which would have enabled the Crown to have framed a count setting out the dates and circumstances of any such specific acts of administration and attempted administration, and that is the reason, and the only reason, why the Crown framed the indictment with the single count of Murder.

Mr. Justice Stephen did not in his speech to the Grand Jury direct their attention to the omission by the Crown of any other counts in the indictment than the "specific charge of murder." Nor did Mr. Justice Stephen direct the Grand Jury that, in order to arrive at their decision as to whether the Crown should be allowed to expose Mrs. Maybrick to the trouble and risk of a Trial by Jury, they must satisfy themselves from the evidence of the witnesses of the Prosecution, which would be before them, that it would not be sufficient if that evidence showed acts of administration or acts of attempted administration; that the charge upon which Mrs. Maybrick was indicted was not for either of those crimes, but for the "specific charge of murder," and that it was, as Mr. Justice Stephen subsequently said to the Jury at the Trial—

> "essential to a verdict unfavourable to the prisoner that the deceased had died of arsenic."

I do not think it necessary to dwell upon all the inaccuracies which can be found in Mr. Justice Stephen's summary of the depositions taken at the Magisterial Inquiry. He himself said he was speaking

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"from memory," and he had only just recovered from an attack of indisposition from which he had suffered when performing his judicial duties at the Manchester Assizes, and some slight inaccuracies, however regrettable, were, perhaps, unavoidable; but I must point out one which could not, taken with the context of the remarks which preceded it, be regarded as a slight inaccuracy. After drawing the attention of the Grand Jury to the letter to Brierley which Mrs. Maybrick had written and Alice Yapp had intercepted, and which, he pointed out, showed that there was an adulterous intrigue between them, and after directing the special attention of the Grand Jury to the use of the expression in that letter, "He is sick unto death," Mr. Justice Stephen proceeds—

"He had but a short time to live. This took place on Friday, and he died on Saturday afternoon."

Now the evidence at the Magisterial Inquiry was that that letter was written and intercepted on Wednesday, and the inaccuracy, couched in the words in which it was, is not a slight inaccuracy, but a very inflammatory misstatement of the fact, and a misstatement of the fact which could not but create a very unfavourable impression on the minds not only of the Grand Jury, but of those who would have to serve as the Jury at the Trial, to whom, through the reporters of the newspapers, those words were also addressed; and, taken with the context, that mistake was particularly unfortunate. The words which preceded it were these:—

"But certainly if she stood in those relations to Brierley, I hardly know how to put it otherwise than this: that if a woman does carry on an adulterous intercourse with any man, it may supply every sort of motive. . . . It certainly may quite supply—I won't go further—a very strong motive why she should wish to get rid of her husband."

Now, I venture to say, such inflammatory language was never addressed to a Grand Jury before. I do not suggest that it influenced them. I presume that, being men of intelligence, it could have only had one effect upon their minds—that of wonder how any man who had passed his life among the men and women of this world could have got such an idea into his head, that a woman who is unfaithful to her husband is prone to murder! but what I do say is that that language was not merely addressed to the Grand Jury, but, through the newspaper reporters, to the population of Liverpool, and the neighbourhood from whom the Jury were to be selected, and so addressed to them at a time when the whole population of the neighbourhood were in a state of excitement and bewilderment at the Maybrick Mystery, and that the promulgation of such extraordinary notions of human life, at such a time, was so inflammatory as to make it perfectly clear that Mr. Justice Stephen had already solved the Maybrick Mystery in his own mind, and without waiting to hear what the defence would

be to the specific "charge of murder," which had been preferred against her, he had come to the conclusion that the way in which that charge ought to be dealt with was to substitute Adultery for Arsenic, and make it a Trial for Motive for Murder, instead of for Murder by Arsenic. DIARY.

The Grand Jury having found a True Bill against Mrs. Maybrick, this extraordinary speech of Mr. Justice Stephen was followed by the following announcement in the newspapers. True Bill.

The *Liverpool Daily Post*, Tuesday, July 30, 1889 :—

THE JUDGE AND THE MAYBRICK CASE.

EXTRAORDINARY JUDICIAL JOKE.

At the Liverpool Assizes, Crown Court, yesterday afternoon, Mr. Justice Stephen had before him an application to fix a trial, in which Mr. Shee and Mr. Cottingham were concerned. The case, which was one of forgery, had been originally fixed to take place before the Maybrick case, but counsel desired to make some alteration. The Judge said he was unwilling to make any alteration of the arrangement which he had made, and he was still less anxious to do anything unfair, which was the worse of the two. As, however, counsel concurred in the application now before him, he would consent to alter the fixture and have it tried after the Maybrick one. Mr. Cottingham then applied that his lordship should tell the witnesses not to come again until the day appointed. His lordship said he could not do that, as he was quite willing to take any responsibility that properly belonged to him, but nothing more. Mr. Cottingham must act on his own discretion, "and you know," he added, alluding to the Maybrick case, "*Sir Charles Russell may very likely wish to plead guilty.*" (Laughter.) Judicial joke.

I shall make no other comment about this little "judicial joke," except that, following as it did upon Mr. Justice Stephen's speech to the Grand Jury, it is very unfortunate that it was made.

On the 29th of July Mr. James Maybrick's Will, dated 25th April, 1889, was proved by and administration granted to "Michael Maybrick and Thomas Maybrick, the brothers, the universal legatees in trust named in the said Will, they having been first sworn, no executors being named in the said will." I must refer my readers to my comments on the Will [see The Will]. One of the provisions of that Will were— The will proved.

"The furniture I desire to remain intact, and to be used in furnishing a home which can be shared by my widow and children, but the furniture is to be the children's."

Notwithstanding, however, that this Will was not proved until the 29th of July, the furniture had already been sold on the 8th and 9th of July, and the following is the heading of the advertisement of sale by auction :—

"The late Mr. James Maybrick.—By order of the trustees.—That valuable furniture, costly ornaments, Continental porcelain, silver plate, modern electro, oil paintings, proof etchings and engravings, and other contents of the resi- The furniture.

Diary.

dence 'Battlecrease,' Grassendale, removed to the Hanover Rooms, by Messrs. Branch and Leete, on Monday and Tuesday, the 8th and 9th of July, at eleven of each day, in the Hanover Gallery and Sale Rooms."

The furniture had, in fact, as appeared by the evidence at the Trial, been removed from the house a fortnight after James Maybrick's death!!

It strikes me as odd that Mrs. Maybrick's solicitor should have allowed or advised his client, Mrs. Maybrick, to permit such proceedings as the sale of this furniture by these "universal legatees" before the Will had even been proved, and I should like to know in whose interests that auction was held, pending Mrs. Maybrick's Trial? They were calculated to suggest to other minds the judicial joke of Mr. Justice Stephen—that perhaps Sir Charles Russell would plead guilty! I should have thought that Messrs. Cleaver would have taken every step in their power to prevent any such prejudice arising as this sale of the furniture would naturally create.

THE TRIAL.

The Trial.

On the 31st of July, 1889, the Maybrick Mystery came before a Jury who had had Mr. Justice Stephen's solution of it presented to them in his speech to the Grand Jury, in which he had said:—

"That he could not put otherwise than that, if a woman does carry on an adulterous intrigue with another man, it may supply every sort of motive. It certainly may quite supply—I won't go further—a very strong motive why she should wish to get rid of her husband."

Mr. Justice Stephen.

It was to a Jury at Liverpool, thus instructed by Mr. Justice Stephen, that Mrs. Maybrick appeared on her Trial for Murder by Arsenic.

Why was such a Trial held at Liverpool at all?

Mr. Addison, Q.C.

Mr. Addison, the Crown counsel, commenced his speech to the Jury in these words:—

"Each and every one of you know that the charge against the prisoner at the bar is, that she murdered her husband by administering doses of arsenic to him, and it would be idle to suppose that each and every one of you do not know some of the circumstances of the case, either by means of the press or in other ways, and that probably you have discussed the matter. But I know perfectly well that, now you have ceased to be irresponsible members of the community and are a jury sworn to decide the case according to law between the prisoner and the Crown, you will have no difficulty in dismissing from your minds all that you have heard and seen."

Now, before I come to deal with the evidence produced by the Crown in support of this charge against Mrs. Maybrick of "murdering her husband by administering to him doses of arsenic," I think it necessary to consider the question thus raised by Mr. Addison as to the propriety of holding this Trial at Liverpool before a Jury, "each and every one of whom had been discussing the matter," and where local feelings and prejudices

must necessarily have affected the minds of such a Jury. It was a mere mockery of common sense for Mr. Addison to tell a Common Jury at Liverpool that they would have no difficulty in dismissing from their minds all they had heard or seen about the case! The Maybrick Case had for months previously been agitating Liverpool, to an extent rarely if, indeed, ever equalled, on account of the mysterious way in which the case had been got up by the police, and represented to the public by the local press. Mrs. Maybrick's advisers, moreover, had thought it proper to reserve her defence. For months previously, while the case for the prosecution had been gone into in full detail at a prolonged inquest and at a prolonged Magisterial Inquiry, and the proceedings of both of which had been reported verbatim by the press! nothing was known as to the defence prior to the Trial; and what the Jurymen "each and every one of them," had seen, heard and discussed, all this time, was the prosecution side of the story—the one side of the question! But that was not all. The local press, in the meantime, had been furnishing its readers with all sorts of sensational food, and all sorts of stories were told about some supposed debts of Mrs. Maybrick, and some supposed bets, and all sorts of mysterious suggestions about the life she led, not one of which had any solid foundation; for it was a fact that the life of Mr. and Mrs. Maybrick was a more than ordinarily domestic life, and they associated with far fewer people than is usual in their station of life, and very few people knew anything about their home life. And so it was easy to make up a mystery—and public excitement always runs high over a mystery—and it ran so high that the Liverpool crowds even hissed her as she passed in the prison conveyance through the streets, without waiting to hear what her defence was. In fact, public excitement ran so high that they were ready to hang her untried!

DIARY.

The local Press, with some little remorse, when supplying their sensational stories about her—stories which have since turned out to have no foundation whatever—found it necessary to add by way of caution to them some such warnings as these, which I take at random:—

"Whether this is true or not, it would be difficult to say, but in the present excited state of public opinion, any conjecture is eagerly received and discussed."—*Liverpool Daily Post*, 3rd June, 1889.

Liverpool Daily Post.

And again—

"There were some additional rumours afloat yesterday of an extraordinary nature, indeed the appetite for this kind of thing grows by what it feeds upon."

And having then proceeded to supply nourishment for that appetite in the form of a most sensational story, which had no foundation whatever—

DIARY.

"It is impossible just now to test the veracity of these flying rumours, and we only mention them to show the absorbing interest which *the development of the drama* is exciting."—*Liverpool Daily Post*, 4th June, 1889.

Trial at Liverpool.

Now, I say it was a mockery of justice to hold such a Trial at such a place as Liverpool at such a time before a Common Jury. In Scotland—and the Scotch people are generally credited with ordinary intelligence—no such Trial as the Maybrick Case could by law have taken place in the locality, or except at the Central Criminal Court, nor could such scientific questions as were involved in the cause of death be tried before a Common Jury. And it was a mockery of common sense to say any Liverpool Common jury could, when they got into the jury box, dismiss from their minds all they had seen or heard.

In a letter that I have in my possession which Mrs. Maybrick wrote to her mother when in Walton Gaol, on the 28th of June, about a month before the Trial, she says:—

Letter of Mrs. Maybrick.

"I sincerely hope the Cleavers will arrange for my 'trial' to take place in London. I shall receive an impartial verdict there, which I cannot expect from a jury in Liverpool whose minds have come to a 'moral conviction,' *en attendant*, which must influence their decision to a certain extent. The tittle-tattle of servants, the public, friends, and enemies, and from a thousand by-currents, besides their personal feeling for Jim, must leave their traces and prejudice their minds, no matter what the defence is."

And in a later letter, when her legal advisers had decided that the Trial should take place at Liverpool, Mrs. Maybrick wrote:—

"The 'trial' is to take place here, and not in London. It is best, so it appears."

Those words, "so it appears," make it easy to see that it was her local solicitors, Messrs. Cleaver, who had made it "so appear!" But I would like to know why Mrs. Maybrick's own earnest wishes that the Trial should take place in London were not respected by Messrs. Cleaver? and whose interests could have been served in making this Trial a local case? Even if Mrs. Maybrick had expressed no wishes about it, it was—and I repeat it—a mere mockery of justice to hold such a Trial in such a scene of excitement as Liverpool! and it was a mere mockery of common sense for Mr. Addison to tell a Liverpool Common Jury that they would "have no difficulty in dismissing from their minds all they had seen or heard of the case!"

As for Mrs. Maybrick herself, her wishes on the subject of holding the Trial in London ought to have been respected. She was a young, inexperienced woman, who, from the moment her husband was dead, was left without a single person to protect or advise her! She was left forsaken and alone, and the only person to whom she could look for protection and advice was her solicitor, Mr. Cleaver. Her husband's brothers, Michael and Thomas

Messrs. Cleavers.

Maybrick, were her husband's "universal legatees." Michael, when she was lying ill in bed in charge of the police, certainly sent Mr. Cleaver to her; but, on the ground that he was "a witness for the prosecution," refused to provide any money for the costs of the defence of the widow! I wonder what James Maybrick would say about that if his spirit could revisit this earth and could be heard!! Thus situated, Mr. Cleaver took an assignment from Mrs. Maybrick of her little personal property by way of security for his costs, and Mrs. Maybrick left her defence implicitly in Mr. Cleaver's hands! DIARY.

In whose interests, I again ask, was the Trial, against her wish, held in Liverpool? Was it money interests, or what, which led to such a mockery of justice as making this Trial a local case? Why was it not held in London?

Messrs. Cleaver ought to have known that Liverpool, like every other place, thinks—

> "the rustic murmur of their burgh
> Is all the world,"

and that a Liverpool Jury would attach personal weight to the testimony of any witnesses who were local celebrities.

This was a case of alleged Arsenical Poisoning, in which the questions for the Jury were:—

1. Did Mr. James Maybrick die of arsenic?
2. Did Mrs. Maybrick feloniously administer that arsenic?

The first was a question of medical testimony, and Mr. Justice Stephen told the Jury—

> "It is essential to a verdict unfavourable to the prisoner that the deceased has died of arsenic."

The local celebrity of Liverpool was their local doctor—Dr. Carter. Messrs. Cleaver knew what personal weight his testimony would have with a Liverpool Common Jury, and that Dr. Carter had already sworn both at the Inquest and at the Magisterial Inquiry, in the most positive and dogmatic manner, that the cause of death was arsenic, and each and every man likely to be on the Jury had accepted that as gospel. It was impossible—although Mr. Addison said they would have no difficulty in doing it—for any Liverpool Common Jury who were called upon to decide that first and essential question—"the cause of death"—to dismiss from their minds this confident assertion of their local celebrity, Dr. Carter. The mind of every man on that Liverpool Common Jury must, as Mrs. Maybrick puts it in her letter, have long before, and while awaiting the Trial, come to a "moral conviction" upon the question of "cause of death," at all events. How could their minds have been open to the question at all? Was it likely that their great local doctor—Dr. Carter—who had attended Mr. James Maybrick in his illness, and been present Dr. Carter.

DIARY.
Dr. Carter.

at the post mortem, could be mistaken? Was that likely to occur to a local Jury? Had he not sworn, as a matter beyond any possible doubt, that the cause of death was arsenic? What could it matter to this Liverpool Common Jury, who had been "discussing the matter" for months, what such men as Dr. Tidy and Dr. Macnamara, who were strangers to Liverpool, and who had never *seen the body*, said?

If the Trial had been held in London, the local reputation of Dr. Carter would have had no value whatever against the world-wide reputations of Dr. Tidy and Dr. Macnamara, whose experience extends over hundreds of cases of arsenical poisoning, and who said that the cause of Mr. James Maybrick's death was not arsenic, and there can be no doubt that a London jury would have come to the same conclusion, notwithstanding Dr. Carter's positive swearing, which Mr. Matthews and his "best medical advisers" came to, viz., that there was—

"reasonable doubt whether death was, in fact, caused by the administration of arsenic."

But the minds of a Liverpool Common Jury under the personal local influence of their local scientific authority could not have been open to consider such a question as "the cause of death" after knowing that Dr. Carter had no doubt about it!

I wonder at what value a London jury would have estimated Dr. Carter's opinion on a question of arsenical poisoning if he had given before them the evidence he gave before the Liverpool Jury at the Trial!

Q. Have you, yourself, ever assisted at the post-mortem examination of a person as to whom it was alleged death had been caused by arsenic?
A. Not by arsenic.
Q. Have you ever before attended a patient as to whom it was alleged death had resulted from arsenic?
A. Not death.

And yet this man, who had had no experience whatever, did not hesitate to go into the witness box and swear point blank that there could be no doubt about it, and that the cause of death was arsenic! Indeed, he was so eager to pronounce his dogmatic opinion that even the Crown Counsel, Mr. Addison, had to check his impetuosity:—

Q. Now, taking the whole history of the case, your conclusion is——?
A. I can have no doubt about it.
Q. Excuse me, you can't have any doubt about what, doctor?
A. That it was arsenical poisoning [sensation].

The newspaper reporter who added the word "sensation," does not explain what the nature of the sensation in that Liverpool court was; but I fancy the nature of the sensation which my readers will feel is a sensation of surprise that any man should dare to give such evidence *against* his neighbour.

But I not only ask the question, Why was this Trial held at Liverpool at all? I ask also, Why was it tried before a Common Jury? Where in our criminal code is to be found any law, any restriction upon our judges which calls upon them to preside at a trial (involving such difficult scientific but essential questions as the "cause of death" in a case where such a small fraction of a grain—$\frac{1}{10}$th of a grain—of arsenic has been found, not in the stomach, but in other parts of the body of a man) before a Common Jury. DIARY. Special Jury.

There is no such law—there is no such restriction in our criminal code which could prevent Mr. Justice Stephen directing that a Special Jury should be empanelled to try such a case. No such trial as this could have been lawfully held in Scotland before a Common Jury.

Why should it take place in Liverpool before a Common Jury?

If failures of justice do occur in Trials by Jury, it is not due to the system itself, but to the way in which the Crown administers that system. We should not hear of such nostrums as establishing a Court of Criminal Appeal as a remedy for such shocks given to the conscience of the nation as the verdict in this Maybrick Case, if Trials by Jury—trials by the peers or equals of an accused person—were properly provided by the Crown.

As regards the evidence given at this Trial, Mr. Justice Stephen told the Jury when summing it up, in words which practically amounted to a suggestion to them, that they should not try to unravel the confused way in which it was presented by the Crown :— Confusion of evidence.

"I am sorry to say I shall not be able to arrange it before you exactly as I could wish, because when a large matter has to be placed before a party of persons like yourselves—I mean a body of men not too large to exclude individuality, and yet large enough to provide for full communication of ideas—it is very difficult, if not to say practically impossible, for the judge who is summing up to them to arrange the whole matter in his own way, and yet in such a way as he can be sure of doing complete justice to the evidence which has been put before you. Witnesses, naturally, are obliged to witness to a great number of matters quite unconnected with each other, and to dissect the evidence of each witness in such a way as to bring before you at one view the whole of the matters to which he has testified would be an enormous labour, and it would be a labour which would hardly be repaid in regard to its clearness for your consideration. I shall take the course, accordingly, of going through the evidence as it has already been given."

I know not what that—

"party of persons like yourselves—I mean a body of men not too large to exclude individuality, and yet large enough to provide for full communication of ideas,"

which was Mr. Justice Stephen's definition of this Liverpool Common Jury—(whatever it all means)—may have thought of this, but to my readers I have very little doubt it will be taken to mean this—the evidence has been given in a confused and confusing way, and it is not worth your while, or my while, to dissect

DIARY. it and arrange it in any way. Let us leave it in a confusing and confused condition: this is a trial for Motive for Murder, and not a trial of Murder by Arsenic!

Before entering into a consideration of the Trial itself it is necessary, in this case, for reasons which will presently appear, that the fact should be distinctly impressed upon our minds that any Indictment must contain the charge, the whole charge, and nothing but the charge, to which the accused person is to be called upon to plead Guilty or Not Guilty.

An Indictment is the written accusation on oath presented to the Grand Jury. The accusation (or if it contains more than one Count), the accusations must be stated in positive clear language. There must be no flaw of any kind in it—the language used in it must be certain and full as to names, dates, places, facts, and intent. There must be nothing ambiguous or defective in it—and nothing can afterwards be introduced into it. The accused person may have committed all the sins in the Decalogue, but if they are not specifically and separately set out in the Indictment the accused person is not called upon to plead to them—and there can be no Trial upon them.

The Indictment to which Mrs. Maybrick was called upon to plead—was clear and distinct—viz., that she had:

> "At Garston on the 11th of May, 1889, feloniously, wilfully, and of her malice aforethought, killed and murdered James Maybrick."

and the Crown said that he was murdered with Arsenic.

It was quite open to the Crown when preferring that Indictment to the Grand Jury to have included in it charges of "administration of arsenic and of attempting to administer arsenic with intent to murder"—provided that when stating such accusations, the dates, places, and facts of such felonious acts were clearly, specifically, and separately set out in the Indictment. But in the Indictment preferred against Mrs. Maybrick, no such Counts were included—and she was not called upon to plead to such charges, nor to offer any defence to them.

The charge preferred against her was the charge of Murder by Arsenic, and whether Mrs. Maybrick intended to murder him with arsenic—or whether she did administer arsenic with that intent—or whether she attempted to administer arsenic with that intent—if the Crown at her Trial, upon the particular form of Indictment which they did prefer against her, failed to prove beyond reasonable doubt that James Maybrick died on the 11th of May, 1889, of arsenic, administered to him by Mrs. Maybrick, the Indictment failed.

Mr. Justice Stephen expounded the law to the Jury in these words:

"It is essential to *this charge* that the man *died of arsenic*. This question *must* be the foundation of a verdict unfavourable to the prisoner that he *died of arsenic*." DIARY.

This essential—to a verdict unfavourable to the prisoner—the Cause of Death—must never be lost sight of for a moment by my readers when considering the evidence produced by the Crown at the Trial of Mrs. Maybrick. My readers will find when they consider the evidence produced at the Trial that the reason why the Crown confined their accusation to the single count of "Murder by Arsenic" was because they had no evidence of any act or acts of administration of arsenic, or attempts to administer arsenic by Mrs. Maybrick, which they could have stated in the Indictment, clearly and specifically, with dates, places, and facts of such felonious acts.

[NOTE.—*I applied to Mr. Matthews for a copy of the indictment in the following correspondence:* Mr. Matthews and indictment.

August 31st, 1889.

Sir,—I am requested by the Maybrick Committee to call your attention to the inclosed copy of a letter from Messrs. Cleaver and Holden, the solicitors on the record for the prisoner, Florence E. Maybrick, in which they state that they had never seen a copy of the indictment, and that the Clerk of Assize refused to furnish them with a copy, and I am requested to ask you to cause a copy of the indictment to be delivered to Messrs. Cleaver and Holden, or to this committee direct, without any unavoidable delay, because, as I have already communicated to you, this committee is desirous of taking immediate steps to test the legality of the present imprisonment and detention of the prisoner, and the committee feels sure that you will take prompt steps to remove any such difficulty to the solicitors obtaining a copy of the indictment as has been indicated by the Clerk of Assize.—I am, sir, &c., ALEXANDER W. MACDOUGALL.

To the Right Hon. H. Matthews, Q.C., M.P.

Whitehall, September 3rd, 1889.

Sir,—In reply to your letter of the 31st ult., in the case of the convict Florence E. Maybrick, I am directed by the Secretary of State to say that he has no objection to you being supplied with a copy of the indictment on which the prisoner was tried, but that he has no authority to order this being done. I am, &c., E. LEIGH PEMBERTON.

A. W. MacDougall, Esq.

On this being communicated to the Clerk of Assize, he refused to supply any copy of the indictment. I wish to ask my readers whether this is the way in which they intend to allow criminal proceedings to be conducted in this country? No doubt the Clerk of Assize was acting under some Rules of Practice arranged by some judges, but I want to know why in Criminal Trials all the world cannot see the indictment upon which any person is tried?—A. W. McD.]

On the 31st July the Court was opened in Liverpool, and Mr. Justice Stephen presided over it; and Mrs. Maybrick having Trial.

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taken her place in the dock, and having pleaded Not Guilty to the charge of Murder by Arsenic imputed to her, she was compelled to sit for several days a silent spectator of an interesting game played between Counsel with her life for stake, but she knew that—to use Lord Chief Justice Cockburn's eloquent words—

"A Criminal Court is the Temple where Justice with Mercy for her handmaid sits enthroned on the noblest of her altars."

Criminal Court.

She knew that in a Criminal Court the Judge, who presided, was there as the representative and voice of that spirit of justice, in whose temple she was, and in which she had appealed to the country against the charge laid against her. She knew that in a Criminal Court the Judge, who presides, is the representative and voice of our Queen, whose contract with the People of England, made at her Coronation is, that she will "Execute Justice with Mercy." Mrs. Maybrick also knew that in a Criminal Court the Judge, who presides, is present there not as her judge—but as "Counsel for the accused"—is there to see that the Jury, who are her judges, should regard and treat her as innocent, unless and until her accusers have shown, beyond all reasonable doubt, that she is guilty of the charge laid against her. She knew that it is the duty of the Judge to prevent accusers from putting forward against her as *evidence* anything which is not strictly evidence.

From the Tuesday, the 14th of May, when Superintendent Bryning walked into her bedroom while she was lying prostrate in bed, and when her dead husband was lying unburied, and said to her—

"Mrs. Maybrick, you are in custody on suspicion of causing the death of your late husband, James Maybrick,"

she had been a prisoner in the hands of the Crown; and since the 18th of May, when the doctors considered her well enough to be removed from her bed, she had been a prisoner in Walton Jail. During all that time she was regarded by the Crown as presumably Guilty; but when she left Walton Jail on the 31st of July, and entered—

"the Temple, where Justice with Mercy for her handmaid sits enthroned on the noblest of her altars,"

and from the dock pleaded Not Guilty to the charge of Murder by Arsenic, she knew that she was no longer presumably guilty, but that she was present in that Temple and before her judges—the Jury—as a person who was presumably innocent, and that the country, as represented by the Jury, were there to call upon the Crown to prove that she was not innocent.

While she was a prisoner in Walton Jail she was not in a Temple of Justice, but directly she entered a Criminal Court she was.

The contest being the Crown and a Prisoner, while the Crown

is preparing a case for trial, is as one-sided as it is possible for power and skill and opportunity to make it. The country, from the moment Mrs. Maybrick had been taken into custody, had given the Crown every opportunity to prove her guilty. The Crown had kept her locked up in prison, and thus kept the field for collecting evidence against her open for itself. The country had placed, at the disposal of the Crown, the best machinery for collecting evidence of guilt which money, skill, and power could provide, and had deprived her of any opportunities for collecting proofs of innocence—had prevented her from seeing any one, or writing to any one, or hearing from any one, unless under the supervision of officers of the Crown—except only her Solicitor, who might be a stranger or might be incompetent. It is impossible to make a contest more uneven than the contest between a prisoner and the Crown. Let us try to realize how uneven that contest is. On the one side is this woman, locked up in prison—treated as presumably guilty of a charge which makes her repulsive to everybody, and from whom—when so regarded—friends and acquaintances would keep aloof, even if they could obtain permission from the Crown to see her in the presence of an official, and who, at all events, would not seek to put themselves forward in the world as being connected with one who was presumably guilty of such a charge. On the other side is the Crown, with unlimited means at its disposal, with its wonderful police organisation, with its command and pick of the best legal and scientific talent in the country, with the field for collecting evidence open, and with any enemies or unfriendly persons, and indeed, with the host of busybodies who (eager to show their skill in unravelling a mystery) crowd round the police with their suggestions in support of a theory of guilt, and to assist them in establishing the charge. Can it be possible to conceive a more uneven contest?

Contest between Crown and prisoner.

But when she leaves the prison walls, and enters the Criminal Court—

Criminal Court.

"The Temple, where Justice with Mercy for her handmaid sits enthroned on the noblest of her altars"—

that uneven contest ceases. She is no longer presumably guilty. She is presumably innocent, and the country calls upon the Crown, to whom it has given all the advantage of the uneven contest, to come forward now and prove her guilt to the Jury.

The Jury do not take their seats in the jurybox to listen to any contest between the Crown and the woman in the dock, or to weigh the scales of probability, but to call upon the Crown to *prove the guilt* of the accused person, whom they have been keeping locked up, *beyond all reasonable doubt;* and the Judge, when he takes his seat on the bench, to preside over her Trial, is there as counsel for the accused, and to see that the Crown produces its evidence in a proper and fair way.

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The scales of justice which hang up in a criminal court have nothing in them but an accused person who is presumably innocent, and unless the Crown can turn the scales with facts of sufficient weight, the accused person leaves that criminal court as he or she entered it—presumably innocent—and it is not until the Jury have arrived at their judgment, as to whether or not those scales are turned, that the Judge assumes his judicial functions, or can think of the accused person as other than innocent, or can address the accused person, as Mr. Justice Stephen addressed Mrs. Maybrick, when he assumed the full dress of a criminal judge—the black cap—

"Prisoner at the bar, I am no longer able to treat you as being innocent of the dreadful crime laid to your charge."

It is in this spirit that my readers must approach the consideration of the trial of Mrs. Maybrick for the specific crime of Murder by Arsenic laid to her charge. It was in this spirit that Mr. Addison, when opening the case for the Crown, addressed the Jury in these words:—

Mr. Addison, Q.C.

"It would be idle in me to suppose that each and every one of you do not know some of the circumstances of the case, either by means of the press or in other ways, and that probably you have discussed the matter. It would be idle in me to suppose that each and every one of you are not acquainted, to a very considerable degree, with the facts of the case, either from seeing the case, or hearing it, or reading of it in the public prints; but I know perfectly well that, now you have ceased to be irresponsible members of the community, and are a jury who are sworn to decide the case according to law, between the prisoner and the Crown, you will have no difficulty whatever in dismissing from your minds all that you have so heard and seen."

As regards the last words, they are a mockery of common sense. Mr. Addison could scarcely have meant them seriously, because it was an absolute impossibility for a Liverpool Jury, in the midst of the wild excitement of the time—the wild, hysterical excitement over the Maybrick Mystery—with Mr. Justice Stephen's solution of it, uttered only a few days before, still ringing in their ears—

"If a woman does carry on an adulterous intercourse with another man, it may supply every sort of motive. . . . It certainly may quite supply—I won't go further—a very strong motive why she should wish to get rid of her husband,"

I say it was a mere mockery of common sense for Mr. Addison to tell this Liverpool Common Jury, in such a place and at such a time, that he knew perfectly well that they—

"would have no difficulty in dismissing from their minds all that they had seen or heard."

And I must also take exception to one other part of Mr. Addison's remarks, when he told the Jury that they were—

"sworn to decide the case *according to law* between the prisoner and the Crown."

The Jury were not sworn to do anything of the kind, but to decide it *according to the evidence.* But in taking that exception I do not wish in any way to limit the rights of a jury. Those rights are distinctly laid down by Chief Justice Vaughan :— Rights of jury.

"The legal right of a jury is certainly not bounded to a mere estimate of the truth of the testimony. In criminal cases that legal right extends not merely to determining the truth of the facts but the quality of guilt or innocence."

I would not limit that right—I would on the contrary press upon juries the recollection of it, and the important position they hold at a criminal trial—but I nevertheless take exception to Mr. Addison's words that the Jury were sworn "to decide the case *according to law.*" The Jury were there to decide the case *according to the evidence.*

And it is to that evidence as bearing upon the charge of Murder by Arsenic to which Mrs. Maybrick was called upon to plead, and to which she did plead Not Guilty, and upon which evidence the Jury determined that she was Guilty that I direct the attention of my readers.

That evidence disclosed no *act of administration* of arsenic by Mrs. Maybrick. No act of administration.

That evidence disclosed no *direct* proof of *any possession of arsenic* by Mrs. Maybrick prior to the death of James Maybrick, with the exception of some fly-papers, which she had purchased some weeks before his death, but it disclosed that a large quantity of arsenic in different forms—enough to poison fifty people—had been found by five unfriendly persons *after death* in places which, being open and accessible to everybody in the house, and therefore (assuming that this arsenic was in the house *before* death) accessible, among others, to Mrs. Maybrick. The only arsenic, however, as to which there was any *direct proof* that it had been in Mrs. Maybrick's possession before death was the fly-papers, and I wish to call the attention of my readers at once to the sort of evidence which Mr. Justice Stephen permitted the Crown to put forward as evidence of Mrs. Maybrick having been able to "extract arsenic" from the particular fly-papers, which it was proved she had some weeks before death purchased openly from two chemists with whom the Maybricks had a regular account—Wokes and Hanson. Possession of fly-papers.

DR. STEVENSON AND THE FLY-PAPERS.

Q. You heard what Mr. Davies said about the fly-papers? Dr. Stevenson.

A. I did.

Q. Is that according to your knowledge?

A. I experimented with similar fly-papers, and I have reason to believe that what he said is quite correct.

Sir Charles Russell (interposing): That is not really a material portion of the case if he did not analyse the papers from the same people. There is no

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doubt whatever that there is arsenic in fly-papers, and I shall not raise a single objection on the point, but in a case of this kind the question put is irregular.

His Lordship ruled that the question should be put.

Q. Have you seen the fly-papers?

A. I have seen others like them.

Q. Not the same?

A. Not the same, but they are made by local chemists in a similar way. What I examined are precisely like these except in regard to the name.

Q. And what is the result of your experiments on fly-papers?

A. That they contain arsenic, *and it is readily extracted from them by simply soaking them in cold water.*

Now Dr. Stevenson, I do not doubt, could "extract arsenic" out of any fly-papers which contained arsenic (and both Wokes' and Hanson's fly-papers did contain arsenic), and Dr. Stevenson "guarded himself" (to use an expression of his own) by selecting the words that arsenic could be "extracted" from fly-papers, and did not commit himself to such a scientific absurdity as that he could "readily *dissolve arsenic* by simply soaking fly-papers in cold water." I shall deal with the fly-paper incident presently. My object now is to direct attention to *the sort of evidence* which Mr. Justice Stephen permitted the Crown to give at this Trial.

Evidence improperly admitted.

Mrs. Maybrick had purchased some flypapers from Wokes' and Hanson's. Instead of the Crown submitting some fly-papers purchased from the same shops to Dr. Stevenson, and asking him how Mrs. Maybrick could have poisoned her husband with them, the Crown put Dr. Stevenson in the box to say he had examined some, which, he chose to think, were made by some "local chemists in a similar way," and were "precisely like these, except in regard to the name."

Now, I protest that this is not *evidence* such as ought to be permitted by any Judge to be brought forward at a criminal trial. Sir Charles, after making a mild protest, subsided!

Sir Charles Russell.

Mr. Davies, the analyst, had experimented on some fly-papers obtained by the police from Wokes' and Hanson's, and his evidence would have been evidence, and although at the Trial he did not say what he could do by simply soaking them in cold water, he had already given evidence at the Inquest, and if the Crown wanted to prove anything about this they could have asked Mr. Davies instead of Dr. Stevenson.

Fly-papers.

Mr. Davies at the Inquest said:—

Q. Can the arsenic be extracted from fly-papers by soaking them in cold water?

A. Very slowly in *these papers*, because the arsenic appears as white arsenic and not as arsenite of soda, *as commonly found.* In *hot* water it might be dissolved, but slowly in cold water. I *think* if you took *several* papers and put water on them, and allowed them to stand for 24 hours, you could *get a solution* containing sufficient arsenic to poison a person, *because* the arsenic is exposed over a great surface over the fibres of the paper.

Mr. Pickford: Do you mean it would take 24 hours to do it?

A. I *think* it would take a considerable time.

Well, *I think so*, too! and *I think*, moreover, that if Mr. Davies had simply put several of either Wokes' or Hanson's fly-papers into a basin and put some cold water on them, and left them to stand for 24 days! instead of 24 hours! he would not have obtained a solution of arsenic of sufficient strength to poison any person! However, Mr. Davies says he *thinks* he can do it in 24 hours, but I should very much like to see Mr. Davies perform the feat of *doing* it! If my readers will refer to Appendix A, they will see what strength of solution Mr. Davies *could* get out of these fly-papers of Wokes' and Hanson's, not by simply soaking them in cold water, but by even shaking them, or, to make it simpler, by shaking all the arsenic he could extract out of as many of them as he liked in cold water at intervals of 20 minutes for 6 hours, or by shaking them at frequent intervals for 4 days!

My object, however, at this stage, is to point out to my readers what sort of evidence Mr. Justice Stephen permitted the Crown to give when he overruled Sir Charles Russell's objection, and allowed Dr. Stevenson to tell the Jury that though he had not experimented on any of Wokes' or Hanson's fly-papers, he had experimented on some made by some local chemists in a similar way! when the Crown could have called Mr. Davies, who had actually experimented on these fly-papers, and who held a different opinion to Dr. Stevenson as to what a person could do by "simply soaking the fly-papers in cold water."

And I want to ask my readers whether they intend to allow the Crown to conduct criminal trials in that way? Both Mr. Addison and Mr. Justice Stephen had the deposition of Mr. Davies at the Inquest before them!

The Crown at this Trial, in order to establish their charge against Mrs. Maybrick of Murder by Arsenic, had, first of all, to prove that the cause of death was arsenic. To do that they called—

(1) *Dr. Humphreys*, who had attended James Maybrick throughout his illness, and had been present at the post-mortem examination and the exhumation;

(2) *Dr. Carter*, who had attended James Maybrick in consultation with Dr. Humphreys during the latter part of his illness, namely, on the 7th, 9th, 10th, and 11th of May when he died, and had also been present at the post-mortem examination and the exhumation;

(3) *Dr. Barron*, who had not attended the deceased during life, but who was present at the post-mortem examination and the exhumation;

(4) *Dr. Stevenson*, who had neither attended the deceased nor been present at either the post-mortem examination or exhumation,

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but who had analysed some of the portions of the body submitted to him for analysis; and

(5) *Mr. Davies*, an analyst, who had also analysed some portions of the body submitted to him for analysis.

It was upon the evidence of these five men that the Crown rested to prove the essential point that the cause of death was arsenic.

The smallest dose of arsenic ever known to destroy human life is two grains, and that was in the case of a woman; and certainly no smaller dose has ever been known to destroy the life of a man.

Amount of arsenic found in body.

The two analysts, Dr. Stevenson and Mr. Davies, between them found only $\frac{1}{10}$th of a grain—or said they found $\frac{1}{10}$th of a grain between them—in the portions of the body they analysed, and therefore that would not establish the cause of death.

Three essential proofs.

(A) The Crown had therefore to establish that, although enough arsenic had not been found in the body, nevertheless, the cause of death was arsenic, by showing that the *symptoms* during life and the *appearances* of the body after death were such as showed that the cause of death was arsenic.

(B) After the Crown had established that point it was essential for them to prove that Mrs. Maybrick had administered the arsenic which had been the cause of death.

(C) And after the Crown had established those two points it was essential that they should prove to the satisfaction of the Jury that Mrs. Maybrick had administered it with felonious intent.

I shall endeavour to place before my readers the evidence which was given upon each of these three points separately.

Cause of death.

(A) That the cause of death was arsenic—

Medical opinions.

Dr. Humphreys gave evidence both as to the *symptoms* during life and to the *appearances* after death and his *opinion* as to the cause of death.

Dr. Carter gave evidence as to the *symptoms* during life and to the *appearances* after death and his *opinion* as to the cause of death.

Dr. Barron gave evidence as to the *appearances* after death, and after hearing the evidence of Dr. Humphreys and Dr. Carter as to the symptoms during life, gave his *opinion* as to the cause of death.

Dr. Stevenson after hearing the evidence as to the symptoms during life and appearances after death gave his *opinion* as to the cause of death.

Dr. Paul after hearing the same evidence gave his *opinion*.

Dr. Tidy after hearing the same evidence gave his *opinion*.

Dr. Macnamara after hearing the same evidence gave his *opinion*.

The conflict of medical opinion upon the *symptoms* during life and the *appearances* after death, which formed the scientific puzzle that the Liverpool Common Jury were called upon to solve at this Maybrick Trial, is perhaps the most remarkable part of the whole proceedings. Mr. Justice Stephen told the Jury that they must regard medical opinion as a question not of scientific evidence, but as one of "subtle partisanship!" and try to solve the question of the "cause of death" in that way!

(B) The proof of actual administration relied on in the Maybrick Case was *indirect*, and rested entirely upon direct proof of possession of arsenic and opportunities of administering it, and upon inferences drawn from suspicious circumstances in her conduct that she had availed herself of those opportunities.

(C) The proof of felonious intent rested on the question of motive—in this case the Motive for Murder relied on was Adultery.

It was not, and could not be suggested, that there was any Money Motive, as, indeed, a perusal of the Will shows.

I think that the most convenient way to deal with the evidence upon these three essential proofs is, to set it out under headings of the several incidents in the case, upon which the Jury found that Mrs. Maybrick was Guilty of the charge of Murder by Arsenic, to which she had pleaded Not Guilty.

THE WILL.

Liverpool, 25th April, 1889.

In case I die before having made a regular and proper will in legal form, I wish this to be taken as my last will and testament. I leave all my worldly possessions, of what kind or description, including furniture, pictures, wines, linen, and plate, life insurances, cash, shares, property—in fact, everything I possess, in trust with my brothers Michael Maybrick and Thomas Maybrick for my two children, James Chandler Maybrick and Gladys Evelyn Maybrick. The furniture I desire to remain intact, and to be used in furnishing a home which can be shared by my widow and children, but the furniture is to be the children's. I further desire that all moneys be invested in the names of the above trustees (Michael and Thomas Maybrick), and the income of same used for the children's benefit and education, such education to be left to the discretion of said trustees. My widow will have for her portion of my estate the policies on my life, say, £500 with the Scottish Widows' Fund and £2,000 with the Mutual Reserve Fund Life Association of New York, both policies being in her name. The interest on this £2,500, together with the £125 a year which she receives from her New York property, will make a provision of about £125 a year, a sum which, although small, will yet be the means

The Will.

of keeping her respectable. It is also my desire that my widow shall live under the same roof with the children so long as she remains my widow. If it is legally possible, I wish the £2,500 of life insurance on my life, in my wife's name, to be invested in the names of the said trustees, but that she should have the sole use of the interest thereof during her lifetime, but at her death the principal to revert to my said children James Chandler Maybrick and Gladys Evelyn Maybrick.

Witness my hand and seal this
twenty-fifth day of April, 1889, JAMES MAYBRICK.

Signed by the testator in the presence of us, who, at his request and in the presence of each other, have hereunto affixed our names as witnesses, Geo. R. Davidson, Geo. Smith.

The affidavit of due execution filed T. E. Paget, District Registrar at Liverpool on the 29th July, 1889.

Administration (with the will annexed) of the personal estate of James Maybrick, late of the city of Liverpool, and of Riversdale Road, Aigburth, in the county of Lancaster deceased, was granted to Michael Maybrick and Thomas Maybrick the brothers, the universal legatees in trust named in the said will; they have been first sworn, no executor being named in the said will.

Personal Estate, gross £5,016 1 0
" " nett 3,770 16 6¾

LAYTON, STEEL, AND SPRINGMAN,
Solicitors, Liverpool.

Now that document, which is described as a will, purporting to have been signed by James Maybrick in the presence of Geo. R. Davidson and Geo. Smith on the 25th of April, 1889, is a very "suspicious circumstance."

A reference to the preceding diary of facts which transpired during the proceedings shows that the only thing disclosed during these proceedings of what occurred on that 25th of April was—

"Edwin Maybrick returned to Liverpool, having been on a business visit to America since August, 1888."

And the first question which must occur to every mind is why James Maybrick should on that day have drawn up that document? Was there any connection between that document and the business visit to America, from which Edwin Maybrick returned on that day?

The Geo. R. Davidson, who was one of the witnesses of the signature, is the same George R. Davidson to whom I have referred as a great friend of James Maybrick, and one of the few who was a constant visitor at Battlecrease, and one who was present at the house every day during James Maybrick's last illness, but

his name, for some reason which I am unable to understand, was not mentioned during the whole of the proceedings.

The Geo. Smith was James Maybrick's clerk at the office, who was called at the trial as one of the "witnesses for the prosecution" to prove that James Maybrick's—

"Health was generally good. He sometimes complained of his liver. He had discussed the question of homœopathy, but not with me."

And that on the 27th of April,

"The day of the Wirral Races, deceased came to the office at about half-past ten in the morning. He was not looking well, and went away between twelve and one."

Not one word was asked of this witness about the will, nor about the state of James Maybrick's health on the 25th of April, nor was the subject of the will referred to at the Trial.

[NOTE.—*I must refer here again to the circumstance to which I have adverted in a previous note of Edwin Maybrick's having come out of James Maybrick's bedroom, on* Friday night, the 10th May, *the night before death, with some document which he had taken in for James Maybrick to sign, and which Alice Yapp, who is described as "knowing and hearing everything," said was the will. It will be remembered that on the occasion of Edwin's taking that document, whatever it was, to be signed, James Maybrick shouted out in a loud voice, which was heard down in the kitchen,*

"Oh Lord, if I am to die, why am I to be worried like this? Let me die properly."

If Edwin Maybrick did succeed in getting a signature to any document on that occasion—What was it? Was it a will? If so, what will? But whatever it was, evidence ought to have been given at the Trial as to this occurrence, and it was not given.—A. W. Mc. D.]

My readers will remember the "search on the premises" (while Mrs. Maybrick was lying in a speechless swoon), which Michael, Edwin, Mrs. Briggs, and Mrs. Hughes made on Sunday morning, the 12th of May, for the "keys of the safe," when they wanted to find the will, and looked under the paper lining of the dressing-table drawer for "the key of the safe," and found the letter from Brierley instead! and when they looked in some of James Maybrick's band-boxes and hat-boxes "for the key of the safe," and found some bottles with "black solution" and "white solution" instead! No mention was made of the actual finding of the "keys of the safe" or "the will," nor does it appear when or where this will was found. Probate was not granted until the 29th July, the

The Will.

day after the Grand Jury found a true bill against Mrs. Maybrick. The document itself is written in a large shaky hand upon blue paper, and had evidently not been prepared in a lawyer's office. The only evidence given concerning it is Michael Maybrick's evidence at the Coroner's Inquest, on the 28th of May.

Q. Did your brother make a will?
A. Yes.
Q. Can you tell me, sir, are you one of the executors?
A. There are no executors, but two trustees.

. . . . . .

Mr. Steel [after consultation with Mr. Michael Maybrick]: Mr. Maybrick would rather not have the will read unless it is really material to the case

. . . . . .

Q. Mrs. Maybrick would have no knowledge of the contents?
A. No; I don't think she even knew of it.

I do not know why, if this will was signed by James Maybrick on the 25th April, Michael Maybrick was in a position to know whether Mrs. Maybrick knew of it, or did not know of it, nor why he should have made that statement and repeated it, or Mr. Steel should have supported that statement. But two things are absolutely clear, from a perusal of this document—one is, that no husband or father could have been in his sober senses when he signed it, and the other is that no wife or mother could have wished her husband to die leaving such a will behind him.

[NOTE.—*The following extract from a letter of Mrs. Maybrick's to her mother* (*I have the original in my possession*), *may be usefully introduced here. It is dated 31st December, 1888, and it shows that in his moments of fury, at all events, James Maybrick as late back as the 31st December, did inform Mrs. Maybrick what sort of a will he was going to make.—A. W. Mc. D.*]

Letter from Mrs. Maybrick.

"In his fury, he tore up his will this morning, as he had made me sole legatee and trustee for the children in it. Now, he proposes to settle everything he can on the children alone, allowing me only the one-third by law! I am sure it matters little to me, as long as the children are provided for. My own income will do for me alone. A pleasant way of commencing the New Year!"

Let us now examine the provisions of this will, which purports to have been signed by James Maybrick on the 25th of April (the date of Edwin Maybrick's return from a business visit to America), and to have been signed in the presence of George R. Davidson, a most intimate friend, and George Smith, his clerk—but which was not revealed to the Jury at the Trial—and for which probate was not granted until the 29th of July, after all the *furniture* referred to in that will had been removed from the house, over which they had usurped control, and sold by auction!

The Will.

It will be remembered what the evidence was concerning what was described at the Trial as the relations between James Maybrick and his wife, that they had lived happily together until the first and only quarrel between them, in consequence of her disregarding his orders by walking with Brierley from the Grand Stand to his omnibus at the Grand National, on the 29th of March, and for which disobedience of his orders, James Maybrick had, on their return home in the evening, thrashed his wife and given her a black eye. It will be remembered that this first and only quarrel had been made up on the next day, through the intervention of Dr. Hopper, who said he had effected a "perfect reconciliation" between them, and that that perfect reconciliation had not been broken—that James Maybrick had called on him some days after to say how happy they were together—that Mrs. Briggs, who went to stay several days with them, after this, said that the reconciliation was perfect, and remained unbroken; that Alice Yapp and all the servants said it had never been disturbed; that Edwin Maybrick, who had returned from his business visit to America, on the 25th of April, had been constantly at the house, sleeping and living there in fact a great part of the time, saw nothing to suggest that James Maybrick and his wife were not living on affectionate terms; that he himself had escorted Mrs. Maybrick to a domino ball on the 30th of April, and that he himself had been assisting Mrs. Maybrick in nursing her husband, in which nursing she was most assiduous; that the evidence of Dr. Humphreys and the professional nurses, and of all the servants, was that Mrs. Maybrick was assiduously nursing her husband, and that James Maybrick always wanted to have her to attend on him, and that Mrs. Maybrick herself, in her statement to the Jury, (and this was corroborated by all the witnesses for the Crown), said that—

Relations of man and wife.

"he wished to have me with him, he missed me whenever I was not with him,"

and that—

"for the love of our children, and for the sake of their future, a perfect reconciliation had taken place between us."

Now that being the history of the relations between man and wife, the fact that James Maybrick signed such a document as this will on the 25th of April in the presence of his friend George R. Davidson, and his clerk George Smith, is a very remarkable circumstance, and it would be an insult to the memory of James Maybrick to suppose that he was in his sound senses when he signed it. The provisions of that will are absolutely inconsistent with the fact that when he was ill he always wanted to have his wife with him, or with the perfect reconciliation which had followed his thrashing his wife and giving her a black eye because she had,

The Will.

as he told Dr. Hopper, annoyed him by walking with a man on the racecourse against his wishes; utterly inconsistent with the evidence of Michael Maybrick that James Maybrick died in entire ignorance of anything except what had happened on the racecourse.

I say it is absolutely inconceivable that James Maybrick could have been in his sound senses when he signed this will which purports to have been signed on the 25th of April, and it would be an insult to his memory to suppose so.

Provisions of will.

The provisions of this will are these—

This will makes over and for ever every single thing James Maybrick possessed or could die possessed of any interest in, "lock stock and barrel," to the absolute unfettered control of Michael Maybrick and Thomas Maybrick, who were to act as trustees.

Not only that, but it makes over the children, aged 7 and 3 respectively, to them to be treated by them as they like—made Papists or Heretics of as they pleased! To be educated and brought up, the boy as a chimney sweep! and the girl as a seamstress! if they liked, and having vested everything he died possessed of in Michael and Thomas for ever, with absolute power to invest the principal as they liked, the income was to be employed just as they pleased! There is no provision in this will that any of the property should come to either of these children when they come of age, or ever! There is no provision in this will which would secure even the expenses of education being distributed between the two children. There are, in fact, no covenants whatever with those trustees—no covenants as to how the children are to be brought up; or how the money, either capital or interest, is to be employed, except—

> "And the income of the same used for the children's benefit and education, to be left to the discretion of said trustees."

As for the widow! the very children are not spoken of as "our" children—but as "my two children," as if she was not the mother who had borne them! and that even is not all, but his widow is to know that it is his "desire that she shall live under the same roof with the children," this boy of seven and this girl of three years! whom he has thus handed over body and soul to these two "trustees," Michael and Thomas Maybrick! but only "so long as she remains my widow!" She is not to be with the children she bore if she marries again! He "desires" the *furniture* "*to remain* intact, to be used in furnishing a home, which can be shared by my widow and children, but the furniture is to be the children's."

Mrs. Maybrick is to have neither bed nor blanket, but he "desires" her to live in the "home" which Michael and Thomas

Maybrick are to furnish (with this furniture which they sent to an auctioneer before they even proved the will! and before the trial!) and "under the same roof," as his two children, who are to be brought up and educated by Michael and Thomas Maybrick in any way they please!

But this is not all. James Maybrick goes on in this will to attempt to grab for these trustees even some life policies which belonged to Mrs. Maybrick herself, and were in her own name. This will says—

"If it be legally possible, I wish"—(even these policies) "to be invested in the names of the said trustees"!

These trustees, therefore, "if legally possible" are to invest these policies, as well as everything he possessed himself, just as they liked! at 1 per cent if they liked! in a bubble company if they liked! and all his widow is to have, is to be any income which these trustees may get by investing these life policies of her own, added to her own private income of £125 a year (which of course, it would not be legally possible to grab from the trustees of her marriage settlement), and James Maybrick says in this will, "that sum though small will yet be the means of keeping her respectably!" but if it is "legally possible" the principal of these policies is to become vested in these two brothers!

But even that is not all. So long as she remains a widow she is to provide for herself out of this income, and keep herself respectably on it, "under the same roof" as her two little children! And in such a hurry is this will prepared, that even this business man, James Maybrick, speaks of an income of £125, added to some other sums, as making a total of £125!!

It is absolutely inconceivable that James Maybrick could have been in his sound senses when he signed that will—a will to which no executors are appointed, but only these two brothers, Michael and Thomas, as trustees, if persons can be called trustees who have no *cestuique trust!*

[NOTE.—*The conduct of Michael Maybrick—who, immediately on his arrival from London on Wednesday night, the 8th, usurped control, and deposed Mrs. Maybrick from her position as mistress of her own house—indicates clearly that he must have been privy, then, to the provisions of this extraordinary will. But besides this, the following curious remark made by Alice Yapp, on Sunday morning, to Elizabeth Humphreys, is significant:—*

"I will tell all I know, if only to prevent Mrs. Maybrick having the children"—

a remark which suggests to my mind, at all events, the possibility that Alice Yapp knew something about the provisions of this will, and was

The Will.

not quite sure that such a disposition of the children as was made in this will would hold good in law. Then, again, on this Sunday morning, the 12th, and before Mrs. Briggs went on the search for the "keys of the safe"—to find the will—Mrs. Briggs took it upon herself (Mrs. Maybrick lying in her speechless swoon) to say to the servants—

"Mrs. Maybrick is no longer mistress here,"

which raises the presumption that Mrs. Briggs also knew the provisions of this extraordinary will, before the keys of the safe had been found. All this is very odd!—A. W. Mc.D.]

No motive for murder.

It is a will which certainly does not provide Mrs. Maybrick with a Motive for Murder, and consequently was not brought forward at the Trial; but it was brought forward at the Inquest, though Mr. Steel (not unnaturally, being a lawyer) said that Mr. Michael Maybrick would rather not have it read to the Coroner's jury. I should hardly think Mr. Steel would like to get up in any Court and read such a will on behalf of any client. Judges would be apt to make observations if a solicitor did! and it is not surprising that this will was not read before Mr. Justice Stephen at the Trial! Indeed, the Jury might have thought it was such a will as to put them on inquiry—in an Inquest touching the death of James Maybrick—as to—

How, why, or by whom the charge of murdering her husband was put upon Mrs. Maybrick? because it is a will which no Court in any civilised country could have regarded as a will made in his sound senses by any Husband or Father!

Suspicions.

THE BIRTH AND NURSING OF SUSPICIONS.

Suspicion—as I have said, is in itself a nasty idea—and the very word sounds like the hissing of a snake in the grass; and it is the first instinct of a healthy mind when the word is uttered to see from whose mouth it proceeds, and to suspect those who suspect others.

The whole plot of the "drama" of the Maybrick Case, if I may borrow the expression from the *Liverpool Daily Post*, when it prepared the Liverpool Jury for their duties at the Trial by recounting a series of sensational (but groundless) suspicious circumstances:—

"It is impossible just now to test the veracity of these flying rumours, and we only mention them to show the absorbing interest which the *development of the drama* is exciting."—*Liverpool Daily Post*, 4th June, 1889.

The witches' cauldron.

The whole plot of the "drama" of the Maybrick Case I say resembles the scene in *Macbeth* of the Witches Cauldron, where—

Suspicions.

"Fair is foul, and foul is fair,
Hover through the fog and filthy air;

and round which the Witches sing in chorus—

"Double, double, toil and trouble;
Fire, burn; and cauldron, bubble."

and each in turn throw in their ingredients to—

"Make the gruel thick and slab."

and to whom Hecate gives praise:—

"O, well done! I commend your pains;
And every one shall share i'the gains.
And now about the cauldron sing,
Like elves and fairies in a ring,
Enchanting all that you put in.

SONG.

Black spirits and white,
Red spirits and grey;
Mingle, mingle, mingle,
You that mingle may."

There is a weird resemblance between those Witches thus employed in their "dark cave" and the "suspecting five," with their attendant Doctors, Professional Nurses, and Policemen at Battlecrease House, assembled together, and "bent on the ruin of a poor little soul."

The ingredients thrown into the cauldron in the *drama* of the Maybrick Case were "suspicions."

Not one of them had the manliness or womanliness to tell Mrs. Maybrick what their suspicions were.

They, like the Witches of Macbeth, prepared their cauldron in their own dark cave.

Whisperings.

Alice Yapp whispered to Mrs. Briggs and Mrs. Hughes.

Mrs. Briggs whispered to Edwin Maybrick.

Edwin Maybrick whispered to Nurse Gore, Nurse Callery, Nurse Wilson and to Michael Maybrick.

Michael Maybrick whispered to Dr. Humphreys and Dr. Carter.

Somebody whispered to the police, who "made inquiries and took particulars."

And the result of these whisperings was that Michael Maybrick, when he came down from London on the night of Wednesday, 8th of May, usurped authority at Battlecrease House, and deposed Mrs. Maybrick from her position as mistress of her own house and from attending on her husband when he was "dangerously ill," as he expressed it; "in serious peril" as Mrs. Briggs expressed it; "very ill indeed, and unable to get out of bed," as Nurse Gore expressed it; and "sick unto death," as Mrs. Maybrick expressed it; and

Suspicions.

Michael Maybrick having thus usurped authority in that house, was *disingenuous* enough to say to Mrs. Maybrick, to quote from his evidence at the Inquest :—

"I told Mrs. Maybrick I had strong suspicions of the case. Then she asked me what I meant. I said my suspicions were that he had not been properly attended to—that he ought to have had a professional nurse and a second doctor earlier. She said she had nursed him alone up to that point, and who had a greater right to nurse him than his own wife? or words to that effect. I cannot say the exact words. I then said I was not satisfied with the case, and that I would see Dr. Humphreys at once, which I did."

Yes! Michael Maybrick, who had just arrived from London, and knew nothing whatever about whether James Maybrick had been properly attended to or whether a professional nurse or a second doctor ought to have been called in earlier, did go round to Dr. Humphreys at once, but he did not tell him that "*his suspicions were that James Maybrick had not been properly attended to, and that a professional nurse and a second doctor ought to have been called in earlier,*" or Dr. Humphreys would have told him to mind his own business, that he had been attending James Maybrick all through his illness; that Mrs. Maybrick had been attending her husband with the greatest assiduity; that Edwin Maybrick had been staying in the house; that Mrs. Maybrick had herself asked him to send for a nurse when she was tired out herself sitting up night after night, and had herself asked Edwin Maybrick to send out a second doctor—Dr. Carter—who had already been in attendance, and who agreed entirely with the system of treatment, and that if he chose to come down from London, without knowing anything about it, and directly he arrived at the house to have "suspicions" that his brother had not been properly attended to, he had better go and ask Edwin Maybrick about it. And Dr. Humphreys would then have politely shown him the door, and would probably have come to the conclusion that there was a lunatic abroad, or at all events that Michael Maybrick was a very theatrical personage.

No! Michael Maybrick did not tell Dr. Humphreys anything about that. It would require some courage to say that to a doctor. It required no courage—it only required another and less noble quality of the human mind to go to a wife, when she was worn out with nursing, and say to her :—

"I told her I had strong suspicions of the case. Then she asked what I meant. I said my suspicions were that he had not been properly attended to—that he ought to have had a professional nurse and a second doctor earlier."

No! Michael Maybrick did not tell that lie—for lie it was, both in thought and in fact—to Dr. Humphreys; but he went round that night to Dr. Humphreys and *whispered* in his ears that

Suspicions.

his "suspicions" were that Mrs. Maybrick was engaged in poisoning her husband with fly-papers. I do not know whether Dr. Humphreys thought th at that "suspicion" was too theatrical; or, if Michael Maybrick told him in that lengthened interview that his "suspicions" about the fly-papers had been inspired by Alice Yapp. I know not whether Dr. Humphreys thought it too much like a servant girl's story to be credible; but this I do know, because it appears from the evidence, that Dr. Humphreys did not attach sufficient importance to it, either to communicate with Dr. Carter about it, or even to go round to Battlecrease House, which was within ten minutes' walk, to make any inquiries or take any precautions, or try any antidotes—but went to bed instead!

And the next morning, when Mrs. Maybrick, finding herself thus deposed in her own house, told Alice Yapp—to quote Alice Yapp's evidence at the Inquest:—

"About 10 o'clock the next morning Mrs. Maybrick came into the night nursery and sat down, and said to me, 'Do you know I am blamed for this? I said, 'For what?' and she said, 'For Mr. Maybrick's illness.' I then said to her, '*For why?*' and she said, Mr. Michael Maybrick blamed her that she had not sent for another doctor and a nurse."

And on Tuesday, 14th of May, while her husband was lying dead in the house, and while she was lying very ill and in a prostrate condition, Superintendent Bryning walked into her bedroom, and in indefinite language, said to her:—

"Mrs. Maybrick, I am Superintendent of Police, and I am about to say something to you. After I have said what I intend to say, if you reply—be careful how you do reply, because whatever you say may be given in evidence against you. Mrs. Maybrick, you are in custody on suspicion of causing the death of your late husband, James Maybrick, on the 11th inst."

She made no reply.

But while the suspecting five—

Michael Maybrick,
Edwin Maybrick,
Mrs. Briggs,
Mrs. Hughes,
Alice Yapp,

were in this cowardly way concealing their suspicions from Mrs. Maybrick, even at the risk of their patient being really poisoned, if they really had any such suspicion, the doctors, Dr. Humphreys and Dr. Carter, and the Nurses Gore, Wilson, and Callery, and the policemen, Superintendent Bryning and Inspector Baxendale, and how many more I know not, for their names were kept back at the Trial; all these people were *whispering* together, and first one and then another throwing in their ingredients into the cauldron of suspicion.

Suspicions.

[NOTE.—*Mr. Thomas Maybrick, Mr. George R. Davidson, James Grant, the gardener, and Alice Grant, his wife, were among those whose names were kept back.—A. W. McD.*]

Now, what were the ingredients of this "cauldron of suspicion?" Let us, now that the excitement of the Maybrick Mystery is over—now that we are not under the influence of Mr. Justice Stephen's oratory, examine and see what these ingredients were, and which of—

"The black spirits and white—
Red spirits and grey"—

it was who threw them into the cauldron while they sung—

"Double, double, toil and trouble;
Fire, burn; and cauldron, bubble."

The suspicions born in this cauldron were twins—suspicions of Arsenic and suspicions of Adultery—and the mother, or at all events the reputed mother, of them both was—

Alice Yapp.

Why she produced them I know not. It is one of the mysteries which remain around the Maybrick case, but it is connected with the question:—

"How, why, and by whom was the charge of murdering her husband put upon Mrs. Maybrick?"

Alice Yapp had been nurse to the two children for one year and eight months. She appears upon the scene as a servant girl of an inquiring turn of mind, as one capable of opening her mistress's letters when sent to the post with them.

Alice Yapp.

Alice Yapp's own account of her own suspicions was, as given at the Trial in answer to Sir Charles Russell:—

Q. I put it to you again for the last time. Did you not open that letter deliberately *because you suspected your mistress?*
A. *No sir, I did not.*

Re-examined by Mr. Addison:—

Q. *Did you suspect your mistress?*
A. *No, sir.*
Q. *When you saw the fly-papers did you suspect her?*
A. *No, sir.*
Q. Why did you look at them?
A. I thought Bessie Brierley had made a mistake when she said there were fly-papers in the bedroom.
Q. Was that the reason?
A. Yes, sir.
Q. *When you saw them, what then?*
A. *I did not think anything of them.*
Q. When you opened the letter you still thought nothing of it?
A. Yes, when I saw what was in the letter.

Q. Was that *the first time* that you had any suspicion about it? Suspicions.
A. *No sir, I had been told of soup and bread and milk and things tasting differently.* Things tasting differently.
Q. Had you been told this by some of the other servants?
A. Yes.
Q. By which of them?
A. By Cadwallader and the cook.
Q. *By Cadwallader and the cook, Humphreys?*
A. *Yes.*

As my readers are aware, arsenic is white and *perfectly tasteless*, and therefore if Mrs. Maybrick had put arsenic into anything it would not have made it "taste differently."

[NOTE.—*Although arsenic is perfectly tasteless to an ordinary person, it is a remarkable and interesting fact that the palate of a person used to taking arsenic is rendered extremely sensitive to the taste of arsenic. It is as if the truth of the words of the old song—*

"There's a sweet little cherub who sits up aloft,
And keeps watch o'er the life of poor Jack,"

is exemplified in this provision of nature—that a person who takes a dangerous poison like arsenic is provided with a warning which enables him to detect the most minute trace of it in anything by the taste, although it is perfectly tasteless to others. A very remarkable instance of this has been recounted to me. A gentleman who had been taking arsenic medicinally for a long time purchased a cigar, and directly he put it into his mouth he tasted arsenic in it. The cigar was submitted to an analyst, who detected the presence of arsenic in it. An inquiry was instituted concerning these cigars, and it was ascertained that they had been purchased at a sale of cigars damaged by water on board ship, and that some arsenic which formed part of the cargo had also been damaged by water, and these cigars had, in fact, been saturated by water impregnated with arsenic. But habit educates not only the sense of taste, but also the sense of smell, and it is a well-known fact, for example, that a painter used to white lead (which contains arsenic) can smell white lead at a distance when no other person can smell it, and so it is with the palate. Any person used to take arsenic can taste *arsenic even when only present in a most minute quantity, and, indeed,* smell *it also, although arsenic has neither taste nor odour to ordinary persons. This warning of danger, which forms one of the wonderful provisions of nature, is an important feature in this Maybrick Case, because James Maybrick was shown by the evidence to have had what Mr. Justice Stephen described as—*

"That dreadful habit of eating arsenic;"

and it would have been impossible for Mrs. Maybrick, or anybody else, to have introduced arsenic even in the most minute quantities into

Suspicions.

anything he ate without his at once knowing it by the taste. *This is a very wonderful provision of nature, but it exists, and I have had numerous letters from different persons in different parts of the world who speak confidently about it. Indeed, I believe I am only stating what is a fact known to many medical practitioners in the kingdom, who have had experience in administering arsenic medicinally.—A. W. McD.*]

The important thing is to trace the "genesis" or birth of these suspicions of Alice Yapp, who was the first person to give birth to them. The seeing fly-papers soaking in the bedroom had not affected her mind. As to that, she said:—

"I did not think anything of them."

But she had "suspicions of poisoning" before she opened the letter at half-past three o'clock in the afternoon of May the 8th, because she had communicated them to Mrs. Briggs and Mrs. Hughes at eleven o'clock in the morning, and to Edwin Maybrick in the afternoon before she intercepted any letter to Brierley, and she says that those "suspicions of poisoning" arose out of what had been told her about—

"soup and bread and milk tasting differently."

None of the other witnesses said anything about Cadwallader, the parlour-maid, or Humphreys, the cook, having told them about "soup, and bread and milk, and things tasting differently." It was to Alice Yapp alone that Cadwallader and the Cook had confided this! Neither Michael, Edwin, Mrs. Briggs, Mrs. Hughes, Dr. Humphreys, Dr. Carter, Bessie Brierley, the housemaid, Nurse Gore, Nurse Callery, Nurse Wilson, Superintendent Bryning, nor Inspector Baxendale were told anything about this. Alice Yapp alone, among them all, said she was told by Cadwallader and the cook about the "soup, and bread and milk, and things tasting differently," and, according to Alice, the "genesis" or birth of the suspicions lies in what she was told by them.

Well, Cadwallader, the parlour-maid, and Elizabeth Humphreys, the cook, were called as witnesses for the prosecution. I do not know what the Liverpool Common Jury made out of it, or what people made out of it during the period of the excitement over the Maybrick Mystery, but I should like to know what my readers can make out of it. I must confess my own inability to manufacture "suspicion" out of it all, and I think such people must pass very uncomfortable lives in their own households who can! However, here it is, every word of it!

Mary Cadwallader said at the Inquest :— Suspicions.

"On the 28th April, the Sunday after the Wirral Races, Mrs. Maybrick sent me for Dr. Humphreys. On that day my master had *some bread and milk for breakfast.* This was put in the dining-room. On Sunday he had a haricot of mutton and *some arrowroot* for supper. Mrs. Maybrick gave me a jug to soak in which the *arrowroot* was put. I noticed *something dark* in it, and I drew the attention of the cook to it. *I put nothing in the arrowroot to* make *it dark.*" Mary Cadwallader.

At the Magisterial Inquiry :—

"On Sunday, April 28th, I went for Dr. Humphreys by request and he came. Some *bread and milk* was prepared for Mr. Maybrick by the cook. I took it up into the dining-room. Neither the master nor mistress were there. They were upstairs. *I saw nothing more of the bread and milk.* I sounded the gong and left it. At about two o'clock in the afternoon of the same day I took some *arrowroot* into the breakfast-room, and later on in the day another cup of *arrowroot* was prepared, which was taken from the kitchen by Mrs. Maybrick. That same night Mrs. Maybrick gave me a jug which contained something *rather dark.*"

At the Trial :—

"I remember on Sunday morning, the 28th of April, being sent for Dr. Humphreys. It would be about 10-30 a.m. Mrs. Maybrick sent me. Dr. Humphreys came. I remember about that time *bread and milk* being prepared by the cook. I took it from the cook to the dining-room. Mr. Maybrick was not there at that time. I do not know how long it was before he came in. I sounded the gong, and went out. I do not know who went in after me. At the dinner that day *arrowroot* was prepared for him by the cook. I took that into the breakfast-room. For supper *arrowroot* was made. I began to make the *arrowroot,* and Mrs. Maybrick finished it. After this Mrs. Maybrick gave me a jug to put in soak. The jug had been used to put the *arrowroot* in out of the jar. When the jug was given to me I noticed *something dark* in it. Up to the time that I left off making the *arrowroot* I had not put anything *dark* into it. I remember *on one occasion* when I brought in some *bread and milk* which I got from the cook the master left a great portion of it. I had done nothing to *sweeten the milk.*"

Cross-examined :—

Q. In reference to this *arrowroot* that you have been speaking about, did you notice anything *dark* in it?

A. Yes.

Q. Did you put anything *dark* in it?

A. No, sir.

Q. What was it caused the *dark* colour?

A. The cook explained it by some *vanilla* which had been put into it. There was a new bottle of vanilla that I thought had not been opened, but when I came to look at it I found that it had. Vanilla essence.

Q. Did that account for the *dark* colour?

A. Yes.

A. As regards the *bread and milk,* you did not ordinarily *sweeten* it? You left that to the person who used it?

A. Yes, sir.

Q. As he or she thought right to their taste?

A. Yes.

Suspicions.

Elizabeth Humphreys', the cook, evidence at the Inquest was :—

"On *Tuesday, 30th April*, I got ready master's breakfast, consisting of a basin of *bread and milk*, and I believe Mary Cadwallader took it in the dining-room. She afterwards brought it back and said something. In consequence of what she said I tasted the bread and milk, but it was not as I made it. *I found that it was sweet.*"

At the Magisterial Inquiry she said :—

"On Tuesday, 30th of April, I prepared *bread and milk* for my master's breakfast. It was not eaten, but was brought back by Mary Cadwallader. I tasted it. It was not in the same condition as when I sent it up. It was *sweet*. I had only put a pinch of salt into it."

At the Trial she said :—

"On the 30th of April I made the master's breakfast. He had bread and milk, which was taken into the breakfast-room by Cadwallader. In consequence of something she said to me when she brought back the remains of the milk, I tasted it and found it was *sweetened*, as if sugar had been put in it. It was different to what it was when I left, for I put salt in it. I put no sweetening mixture in it."

Cross-examined :—

Q. Had he eaten the *bread and milk*, or only a little of it?
A. Only just tasted it.
Q. Not eaten much of it?
A. No.
Q. And when you came back you found it *sweetened*?
A. Yes.
Q. Did you taste it?
A. Yes. I put my finger in and found it had been *sweetened*.
Q. And he inquired whether you had sweetened it?
A. Yes.
Q. As regards his habit of taking sugar or not Mary Cadwallader would know more about that than you?
A. No, he used to give me his instructions.
Q. Oh, did he? But Mary Cadwallader would know something about it. I must have this cleared up. Has Cadwallader gone? I must ask you at once about this. Did it seem to you that there was anything suspicious in the food being sweetened?
A. No, not at the time.
Q. And you found it had been sweetened; there was no mistake about it at all?
A. No, I found it had been sweetened.
Q. Sweetened with sugar, I suppose.
A. Yes.
The Judge: Did you know who sweetened it?
A. No.

And then Mary Cadwallader was recalled :—

Q. I want to ask you, Mary, only one question in reference to the sugar. Have you known your master sometimes to use sugar in his bread and milk?
A. Yes.

Well, that disposes of every single word of evidence about the "soup, and bread and milk, and things tasting differently," which Alice Yapp said Cadwallader and Humphreys, the cook, had told her, and which she said caused "suspicions of poisoning" to arise in her mind. I dare say every one of my readers, who is a wife, will mentally exclaim, Why this sort of thing happens every day in the kitchen, and will hope that, if such domestic incidents of her own kitchen ever get into the glare of publicity, they will not be thought suspicious circumstances pointing to murder! Suspicions.

I must just observe as to this *bread and milk* story. The occasion of the "suspicious circumstance" of its being sweetened with sugar was on Tuesday, the 30th of April, and on that day James Maybrick was not ill at all, but down at his office at business, and as to the bottle of *vanilla* essence I want to direct the attention to a very suspicious circumstance in connection with it, but then it is one which does not point to Mrs. Maybrick as a murderer, but to some putter on. That bottle of vanilla essence was found (see Printed List, Appendix B.) in the trunk in the linen-room by Alice Yapp on the night of James Maybrick's death, when, to use Mr. Addison's words— Bread and milk. Vanilla essence.

"As soon as he was dead Michael Maybrick sent Alice Yapp and Bessie Brierley to see what they could find,"

and Alice Yapp went straight to this linen-room and found that strange assemblage of things which Michael Maybrick made up into a sealed package, viz., the parcel labelled "Arsenic," which was underlined, with the words "Poison for cats" written on it, a packet of insect powder, and a bottle with a label on it, "Solution of Morphia," but with the chemist's label scratched off, and this bottle of vanilla essence. This sealed package was handed to Mr. Davies, but he found no arsenic in the bottle of vanilla essence. Well, why was it put among that strange assemblage of things in that trunk in the linen-room? It is very odd that Alice Yapp should have found it there? The *arrowroot* was one of the things which "tasted differently," and Cadwallader seeing *something dark* in it which she had not put in herself, had called the attention of Humphreys, the cook, to it, who had said that the dark stuff in the arrowroot was vanilla, and Cadwallader had found that the bottle of vanilla had been opened. Alice Yapp.

[NOTE.—*I have questioned Mary Cadwallader and Elizabeth Humphreys about these "suspicions" about "soup, and bread and milk, and things tasting differently," which Alice Yapp said they had implanted in her mind, and they both indignantly deny that they ever did, or do now, entertain any suspicions about Mrs. Maybrick. They are both of them absolutely convinced of Mrs. Maybrick's innocence, and they never entertained or conveyed any suspicions about*

Suspicions.

their mistress, either to Alice Yapp or to anybody else; they have a most affectionate regard for both Mr. and Mrs. Maybrick, and do not believe, and never did believe, for one moment that Mrs. Maybrick ever had a thought of compassing her husband's death, and beyond the fact that they say, that Alice Yapp might have been in the kitchen when they were speaking about the sugar in the bread and milk, and the vanilla essence in the arrowroot, they are both confident that they said nothing to her about any "soup, or bread and milk, or things tasting differently." There had been joking in the kitchen about the fly-papers when Bessie Brierley came down into the kitchen and said, there were some soaking in the bedroom—and joking going on between Alice Yapp and Alice Grant, the gardener's wife, about the Flannagan Case—but they thought nothing about it, except as a joke. It was all done so openly, and certainly no thought entered their minds of suspecting Mrs. Maybrick about anything until Michael Maybrick came to the house on the 8th of May, and took control in the way he did.—A. W. McD.]

It is impossible, in fact, to trace the existence even of any "suspicions" of any kind about Mrs. Maybrick in the minds of any one from anything which transpired at the Trial, and I must leave my readers to make out what they can of the history of genesis or birth of them, which Alice Yapp gave about things having been told her by Cadwallader, and Humphreys, the cook, about "soup, and bread and milk, and things tasting differently." There may possibly be some person who (whether intelligently or not I will not say) believes that statement of Alice Yapp's as to the origin of "suspicions" in her mind. I am not able to bring myself to believe it. But that is her own account of what it was which led her to "make a communication" to Mrs. Briggs and Mrs. Hughes at 11 o'clock on Wednesday morning, and "another communication" to Edwin Maybrick on Wednesday afternoon, before she intercepted the letter to Brierley, which she said she opened because the envelope had got dirty by falling in the mud! (see Brierley Incident.) Anyhow, Alice Yapp gave birth to the suspicions of arsenic on the morning of Wednesday, the 8th of May, and to the suspicions of adultery in the afternoon of the same day, and so far as the evidence goes, this Wednesday, the 8th of May, was the date not only of the birth, but even of the conception of suspicions about either arsenic or adultery in the minds of any human beings.

But my readers will not believe that "suspicions" of such a nature as these grow, like mushrooms, in a day. My readers will not believe that the story of the conception and birth of either the Suspicion of Arsenic or the Suspicion of Adultery occurred in the way they were accounted for at the Trial. My readers will entertain no doubt that there is something behind all this—that there is some wire-puller behind the scenes—some "snake in the grass,"

who can answer the question which is the real mystery of the Maybrick case— Suspicions.

"How, why, and by whom was the charge of murdering her husband put upon Mrs. Maybrick?"

[NOTE.—*It is by no means clear to my mind that Alice Yapp was the real mother of the "suspicions." One or two little things rather point to, or are "consistent with," some "snake in the grass" suggesting suspicions to her. For example, it is an odd thing, Edwin Maybrick being at the time staying in the house, that Michael Maybrick should have telegraphed to Mrs. Briggs on Tuesday, the 7th of May, asking her to go and see about his brother, in consequence of which communication (as Mrs. Briggs said in her evidence) she and Mrs. Hughes went up to Battlecrease on the morning of Wednesday, the 8th, and had some conversation with Alice Yapp on the lawn. Mrs. Briggs thereupon went upstairs to the bedroom without telling Mrs. Maybrick. Then again, Dr. Carter tells in his article in the "Liverpool Medico-Chirurgical Journal," a story which is very significant, but which he kept back at the Trial, viz., that Michael Maybrick had told him and Dr. Humphreys on Thursday, the 9th, that Mrs. Maybrick's infidelity was not merely suspected, but positively known, and that it had been the subject of remark that his brother was always very well when away from home, and not well when at home. Then again, Mrs. Briggs, who was the "confidential friend" of many years standing, who was constantly staying for weeks and months at a time in the house, used to receive letters for Mrs. Maybrick, addressed to her house, this same Mrs. Brigys took Mrs. Maybrick to Messrs. Donnison, her own lawyers, on the occasion of the Grand National quarrel, to ascertain Mrs. Maybrick's legal rights on the question of separation from her husband on the ground of the other woman in the case.—A. W. Mc.D.*] Mother of Suspicions.

THE SEARCH FOR ARSENIC.

Search on Premises.

There were two places searched for arsenic.

First—The corpse.
Second—The premises.

Before we enter upon the narrative of these searches and how they were made, it is desirable that we should have, at all events, a general knowledge about arsenic itself, and that we should understand the phrases used in the evidence about it, such as what analysts mean by such expressions as "presence of arsenic," "traces of arsenic," "saturated solution," and so forth.

Arsenic.

ARSENIC.

There are two kinds of arsenic, that is to say, the base "arsenicum," which is a blackish-blue or steel-grey substance, supposed to be a mineral, but which is probably not an active and deadly poison in itself, is manufactured, or, rather converted, into poison in two forms, one of which is called "vitreous" and the other "crystalline." It is with the latter that we are concerned—viz. the ordinary "white arsenic"—which is a combination of this (so-called) metal arsenicum and the gas oxygen, in the proportion of arsenicum two parts, oxygen three parts, the chemical symbol of which is $As_2 O_3$. It is commonly called "white arsenic," or *arsenious acid*. Not that it is an acid (unless it becomes one after it has gone into solution), because it is not, and is quite tasteless, but, in the inexact language of this exact science, it is called acid, because, like acids, it has a property of combining with alkalies; and again, the very symbol is inexact, because though arsenicum and oxygen combine in proportions, four parts arsenicum to six parts oxygen, they do not combine at two parts to three, and the exact symbol for this anhydride, this oxide of arsenic, should be $As_4 O_6$! Indeed, according to Watts and Tilden, it is admitted from recent determinations of the vapour that the formula $As_2 O_3$ is *wrong*, and that $As_4 O_6$ is right! This arsenious acid ($As_2 O_3$) is what we speak of as arsenic. It is a white powder, and is composed of crystals of a very distinctive and easily recognisable form—an octohedral form—which, according to the pretensions of some analysts, there is no possibility of mistake about even when they are so minute as to be invisible to the naked eye, and can only be seen through a very powerful microscope.

Arsenic is very heavy, and it is a very deadly poison. Two grains of it have been known to have destroyed the life of a woman, and generally it may be said that three grains of it would be a "fatal dose" for a man. I have placed on this space a grain of arsenic powder. The analysts, Dr. Stevenson and Mr. Davies, found 1-10th of a grain of this small substance in the body of James Maybrick after exhumation.

O

This powder is divisible into millions of octohedral crystals, and some analysts pretend to say that there are microscopes which will enable them to recognise a millionth part of a grain by the peculiar and characteristic forms of these octohedral crystals, and that there are also instruments by which they can weigh, at all events, a thousandth part of a grain! In short, if my readers are disposed to listen to the pretensions of analysts, they will find themselves in a Wonderland, never conceived even

by Jules Verne! I must, however, say, in justice to analysts, who have such means of infinite knowledge, that in cases where the life of a fellow-being is at stake, they do not go into the witness box and swear that they actually do possess such infinite knowledge.

Mr. Davies, the analyst in the Maybrick Case, was much more modest in his own pretensions. In his evidence at the Magisterial Inquiry he defined the limits of his pretensions thus:—

Mr. Pickford: I understand, Mr. Davies, when you speak of *a trace*, that means something which is not sufficiently *weighable*?

A. *It means something under say 1-100th part of a grain.* It does not mean something which I could not weigh, *but something which I could not guarantee to be absolutely free from other things, but anything under 1-100th part of a grain I should not consider satisfactory.*

Q. You can weigh to 1-1,000th part of a grain; but you would not care to do that in the case of a person charged with murder?

A. Decidedly not——

Q. But when you speak of *a trace* it means something between 1-100th and 1-1,000th part of a grain?

A. If I say *distinct traces* I should say it meant something between 1-100th and 1-1,000th part of a grain, while a *minute trace is less than* 1-1,000th part. I not think it is possible to separate less than 1-1,000th part of a grain free from organic matter so as to be visible at all.

Well, my readers must travel as far as they like in this Wonderland! They must accept just as much and as little as suits them for an academic discussion concerning the extent of infinite knowledge as to what is arsenic "free from all impurity," and separated from organic matter, which other analysts lay claim to possess. In this Maybrick case the analyst we have to deal with is Mr. Davies, and Mr. Davies no doubt feels himself able to conscientiously swear to a crystal of arsenic and to the weight of it up to the 1-100th part of a grain. I myself should not like to bet on it, much less swear to it when a fellow-creature's life is at stake, and I can only say that if I am expected to get into a witness box and swear to such things as these when a "witness for the prosecution," I am thankful that my vocation in life is not that of an analyst. However, in this Maybrick Case Mr. Davies is the analyst. He was employed by Dr. Carter and by the police, and in all humility we will assume he really does possess the knowledge he lays claim to. What I want my readers to understand is what Mr. Davies himself means by the expressions, "distinct trace" and "minute trace," and bear them in mind when reading his evidence, viz., that *a distinct trace* means something between 1-100th and 1-1,000th part of a grain, and *a minute trace* means something less than 1-1,000th part of a grain, and that he would not consider anything under 1-100th part of a grain as satisfactory, or such as he could guarantee to be absolutely free from impurity. I doubt, myself, whether Mr. Davies, or any analyst, could conscientiously swear to arsenic, merely from the

Arsenic.

form of the crystals, even if they were large enough to be visible to the eye; in fact, to really identify arsenic a great many different proofs that it is arsenic have to be established—its action, for example, with re-agents, &c.

There is one other thing which is necessary for us to understand about *arsenic*, and that is that it is very difficult to dissolve it. Arsenic has the utmost reluctance to a cold bath. If you put it into cold water it behaves in the most eccentric way. If the crystals are big enough, being heavy, it sinks down to the bottom like lead, and then if you boil the water it floats on the top, and you have to keep the water on the constant boil for a considerable time before you can dissolve it; but by merely soaking it in cold water you cannot dissolve it at all, certainly not to any but a most minute extent—except by constant shaking of the bottle for hours—and even then you can only dissolve a small quantity of it. But if you put it into water (and there is very little difference whether the water is cold or boiling) in the form of a powder of finely divided crystals, it shows its repugnance to water in the most remarkable way, indeed in a way so remarkable that any chemist could tell with a pretty good degree of accuracy whether the powder was arsenic by the way in which it behaves. It is important that we should bear in mind these little facts of common knowledge about the nature and properties of arsenic, when we come to consider the theories (it would be mockery to call it evidence) set up at Mrs. Maybrick's Trial about her being able to obtain anything dangerous in the form of "arsenic in solution" by means of any such device as soaking fly-papers in cold water in a sponge basin on a table in the bedroom without shaking it! and further, the ridiculous idea that she could possess either the skill or the opportunity to prepare the "saturated solution" of arsenic, which was found after death in some band-boxes in the dressing-room, and then measure out ½-grain or 1-grain doses of it!

And now a word as to the meaning of the expression "saturated solution." Mr. Justice Stephen told the Jury at the Trial what the expression "a saturated solution" meant, he—Mr. Justice Stephen—told the Jury:—

> "A saturated solution is a solution which has taken up as much arsenic as it can, and the water becoming saturated with arsenic, the remainder of the arsenic is found at the bottom. In this case there was a saturated solution of arsenic in the water, and a small portion of solid arsenic at the bottom. With regard to that, these questions arise: 'What was it for?' 'Who was wanting such a quantity of strong solution of arsenic?' 'Who put it there?' and 'How was it to be used?' These are questions in the solution of which I cannot help you."

Well, I do not want to place Mr. Justice Stephen's knowledge about arsenic on the same level as the anonymous letter writer

"Le Tard's," to which I have referred, and who stated that if Mrs. Maybrick put a grain of arsenic powder into a bottle of Valentine's Meat Juice on Thursday, the 9th, it would all have become dissolved by Sunday, the 12th! But I do want to say that when he used the words "saturated solution" he did not know what he was talking about. He told the Jury to understand by it that a "saturated solution" was a sort of fixed strength of arsenical solution—the strongest solution that could be made—an essence of arsenic, in fact; and he was perplexed himself, and perplexed the Jury by trying to make out what any one could have wanted an essence of arsenic for! and I have no doubt this Liverpool Common Jury, thus perplexed and wonder-stricken by Mr. Justice Stephen, thought there was something extra suspicious about the arsenic in solution which was found in consequence of its being described as "saturated solution"! But the expression means nothing whatever of the sort. It is an expression which is as equally applicable to a *strong* solution of arsenic as to a *weak*. It merely means the strongest solution which *water can dissolve and retain according to the particular process by which it is dissolved.* For instance, not to multiply examples, by shaking arsenic in *cold water* for several hours, you may obtain and retain a solution of an arsenical strength of, say one per cent, and as you could not get anything stronger by that particular *cold water* process, that solution would be called a "saturated solution," but then that is a solution which is no stronger than the ordinary Fowler's solution of the chemists' shops! Then again, if you were to boil arsenic in water for hours you could get a solution of three, or even perhaps four per cent, and that would also be called a "saturated solution," because that would be the strongest solution you could obtain by the *boiling water process.* Then again, you could obtain a still stronger solution by dissolving arsenic in potash, or one of the other alkalies; and the strongest solution you could get by that process would still be called a "saturated solution." (See Appendix A.)

Arsenic.

The expression, in fact, "saturated solution," is applicable to all sorts of strengths of arsenical solution, and is just about as careless a phrase as it is possible to use in speaking of anything. It is an expression which belongs properly rather to the language of ignorance than of science. I should like to know what particular arsenical strength Mr. Davies meant when he described the solution in the bottle No. 10 in the printed list (see Appendix B) as a "saturated solution." His evidence at the Inquest was :—

Saturated solution.

Q. Now as to No. 10 liquid in a bottle not marked, what do you say about it?

A. It is a saturated solution of arsenic, with solid arsenic at the bottom.

Q. How much arsenic do you *think* there is in the bottle?

A. *I dare say there may be (solid and liquid) perhaps two grains; to put it on the safe side, we will say there is a grain in the bottle.*

Arsenic.

Now, in the name of common sense, if we are to have the question of the life and death of a fellow-being put at stake before a Liverpool Common Jury on such an occasion as a trial for murder by arsenic on the evidence of analysts, do let us insist that the Crown should select as their analyst some one who will use some more exact language than Mr. Davies. He said this bottle No. 10 —and it is the only bottle of "arsenic in solution" which was found in the house which could have been used for putting "arsenic in solution" into the Valentine's Meat Juice (the other bottles containing solution were mixed with charcoal, and they could not have been used, because Mr. Davies searched for charcoal in the meat juice and could not find any)—Mr. Davies called this bottle "a saturated solution"; and when asked what he meant, he said:—

"I *dare say* there may be, *solid and liquid, perhaps* two grains—to put it on the safe side, *we will say* there is one grain in the bottle."

Governed by professors.

Bismarck's sneer that "we are governed by professors" was never better illustrated than by the Crown putting up Mr. Davies as a scientific witness, and allowing him to use such inexact language as the language of an exact science. If persons' lives are to be put at stake at the hands of a Liverpool Common Jury on a scientific problem, let us at all events have analysts who use language which has some sort of definite meaning! Now what did Mr. Davies mean when he spoke of that bottle containing a "saturated solution"? Did he mean a strong solution or a weak one?—a cold water solution of one per cent, or a hot water solution of three per cent arsenical strength? What arsenical strength did he, in fact, mean? If he meant anything definite, he would not have talked of "*perhaps* (solid and liquid) two grains or about—to be on the safe side we will say one grain"—he would have said, I mean by "saturated solution" a definite arsenical strength of so and so. The plain fact is, he used a word he did not know the meaning of; and Mr. Justice Stephen, when he undertook to interpret to the Jury what these words of awful import ("saturated solution") meant, was equally ignorant. Both professor and interpreter were using language, which they themselves did not understand, to a Liverpool Common Jury who did not understand what they meant. But as we are governed by professors and their interpreters, they came to a conclusion that as there was a "saturated solution" it must be something which could only have been used for murder. The Liverpool Common Jury—poor souls—were told by Mr. Justice Stephen that "saturated solution" meant the essence of arsenic, or something to that effect. I shall ask my readers to understand that it is nothing whatever of the sort, and until they know what the strength of the *arsenic in solution* which

was found in the bottles in the dressing-room was, not to jump to any such conclusion as that it was a strong solution at all, or one which was of sufficient arsenical strength to have introduced half a grain of arsenic solution into the 411 grains of liquid which the Valentine's Meat Juice bottle contained when handed to Mr. Davies. Arsenic.

With these few observations upon the nature and property of arsenic, I shall now proceed to the narrative of

THE SEARCH ON THE PREMISES.

Search on Premises.

There are three questions involved in this, viz. :—

(1) When was the search made?
(2) Who made the search?
(3) What was found?

It is a most remarkable fact that, *although* five persons,

Alice Yapp,
Mrs. Briggs,
Mrs. Hughes,
Edwin Maybrick, and
Michael Maybrick,

were afflicted on Wednesday, the 8th of May, with a horrible "suspicion" that Mrs. Maybrick was engaged in compassing her husband's death by poisoning him with a decoction of fly-papers, and that, *although* on that day Edwin and Michael conveyed to Nurse Gore an intimation, at all events, that they "suspected" Mrs. Maybrick was so engaged, by directing her not to allow Mrs. Maybrick to give her husband any medicine or food, or to attend on him at all—and *although* on that day Michael Maybrick had a long conversation with Dr. Humphreys, when he communicated to him his "suspicions" in reference to the fly-papers—and although on the next morning, Thursday, the 9th of May, Edwin repeated to Nurse Gore and Nurse Callery his "suspicions" and warnings, and Michael Maybrick informed Dr. Carter and Dr. Humphreys of his grounds for "suspecting" that Mrs. Maybrick was poisoning her husband with a decoction of fly-papers, and gave Dr. Carter a bottle of *Neave's Food* to analyse, as he "suspected" she had poisoned it; *although* in consequence of these "suspicions" Dr. Humphreys analysed the fæces and urine; that *although* Nurse Gore, on the night of that Thursday, "suspected" that Mrs. Maybrick had poisoned a bottle of brandy and a bottle of Valentine's Meat Juice, and that *although* in consequence of her "suspicions," she had, on the morning of Friday, the 10th, when she went off duty, informed Michael Maybrick of her "suspicions" as to the bottle of

Search on Premises.

brandy, and Michael Maybrick had gone into the bedroom and removed it; and, *although* Nurse Gore had also, when she went off duty that morning, communicated to Nurse Callery, who relieved her, that she "suspected" that Mrs. Maybrick had put poison into the bottle of meat juice when she took it into the dressing-room, and told her to keep an eye upon it, and to take a sample of it; that *although* Nurse Gore had then gone into Liverpool to see the Superintendent of the Nurses' Institute, and communicated to her her "suspicions" about this Valentine's Meat Juice, and had received orders not to take a sample; and *although* Nurse Gore had gone back to the house and told Nurse Callery to throw away the sample, and had then told Michael Maybrick her "suspicions" about this bottle of Valentine's Meat Juice; and *although* Michael Maybrick had then gone into the bedroom and removed a bottle of meat juice; and *although* Michael Maybrick had on that same afternoon "suspected" Mrs. Maybrick of putting poison in a bottle of medicine which she was in the presence of Nurse Callery pouring from one bottle to another; and *although* Nurse Wilson was sent from the Nurses' Institute to take Nurse Callery's place; and *although* on that afternoon Michael Maybrick had communicated to Dr. Carter and Dr. Humphreys his "suspicions" that Mrs. Maybrick had poisoned this bottle of brandy, this bottle of Valentine's Meat Juice, and this bottle of medicine, and had given them to Dr. Carter to analyse; and *although* Dr. Carter had found the Neave's Food, the bottle of brandy, and the bottle of medicine to be pure, he had that night found a "metallic deposit" in the Valentine's Meat Juice which might be arsenic; *although* on Saturday, the 11th, Dr. Carter informed Dr. Humphreys and Michael Maybrick of what he had found in the meat juice; and *although*, as both Dr. Humphreys and Dr. Carter swore at the Trial, all this while the symptoms of which James Maybrick were suffering were consistent with arsenical poisoning; *although* all these "suspicions" were apparent, and in full flame amongst all these people,

Michael Maybrick,
Edwin Maybrick,
Alice Yapp,
Dr. Carter,
Dr. Humphreys,
Nurse Gore,
Nurse Callery, and
Nurse Wilson,

no search whatever was made by any of them until after death!!

No search until after death.

This is an almost incredible story! Mrs. Maybrick—*although* thus suspected and watched all this time by all these "suspecting"

people—was permitted to come in and go out of the room as much as she pleased, and to have every opportunity of putting poison in anything she liked, and, indeed, to take advantage of any momentary want of vigilance on the part of these nurse detectives, and yet no search was made on the premises all this time for the fly-papers which she was known to have purchased, or for the decoction of fly-papers which was known to have been made by soaking some in a sponge basin in the bedroom! It is absolutely incredible that, notwithstanding all these "althoughs," during the whole Saturday (the 11th May)—and Mrs. Briggs and Mrs. Hughes had come to the house at four o'clock in the morning, and had joined that "suspecting" crowd—none of these people made any *search on the premises* for anything; even after Mrs. Maybrick had fallen on the forenoon into a speechless swoon, in which she remained all day, and let me here quote Edwin Maybrick's evidence as to that swoon at the Magisterial Inquiry:— Search on Premises

"My brother died at 8-40 p.m. on the 11th of May. Mrs. Maybrick from the forenoon of that day until my brother died had a kind of fainting fit, and lay on the bed."

"As far as I am aware she did not actually faint away. We spoke to her several times but she did not reply; she seemed to be in a semi-conscious state, or else partly asleep, I do not know which."

This mysterious, speechless swoon! — during which Edwin Maybrick carried Mrs. Maybrick into the spare room, and laid her on the bed in the spare room—which lasted from the forenoon of this Saturday over Sunday, is one of the mysteries of the Maybrick Mystery! Some explanation of it ought to be given! Mrs. Maybrick was attended in it. Dr. Humphreys and Dr. Carter were there. The professional nurses, Gore and Wilson, were there. It was followed by an illness which left her prostrated for days. What was the meaning of it? Was she drugged?

[NOTE.—*Mrs. Briggs stated to the interviewer of the "Liverpool Daily Post" on the 14th August*:—

"Mrs. Maybrick herself sent for me at 4-30 a.m. on Saturday morning, 11th May, and as I did not like to go alone, my sister, Mrs. Hughes, went with me. After that Mr. Michael Maybrick asked me to remain, and on the Sunday morning he requested me to look for the keys as he wanted to find the will, which was supposed to be in the safe. The reason we looked for the keys was because Mrs. Maybrick would not tell where they were. *She never spoke a word until Dr. Hopper came on Sunday afternoon, the day after Mr. Maybrick's death.* If she had given up the keys of the safe we should never have looked or found anything."

Mrs. Briggs told this story while Mrs. Maybrick was lying under sentence of death. According to this, she searched the band-boxes on the Sunday for the "keys of the safe." Perhaps when she told the interviewer this she said it "in sarcasm," but it is very odd.—A. W. McD.] Mrs. Briggs

Search on Premises.

Now, seeing that the dressing-room into which Mrs. Maybrick was seen by Nurse Gore to take a bottle of Valentine's Meat Juice on the Thursday night was a room which only opened into the bedroom in which James Maybrick was dying, around whose bed all these "suspecting" amateur detectives were assembled, and that Dr. Carter had found a "metallic deposit" in the bottle of Valentine's Meat Juice, I do not know how many of my readers—now that people have ceased to be hysterical over the Maybrick Mystery, and that the Press has ceased to furnish sensational stories about it—will calmly and deliberately suppose that all the bottles of arsenic in solution, *black* solutions and *white* solutions, both of water and of milk, which were found in that dressing-room *after death* by these "suspecting" people, were in that dressing-room *before* death; or that none of these four "suspecting" men, or these six "suspecting" women, had thought, during all those hours when Mrs. Maybrick was in that speechless swoon, of looking, at all events, in that dressing-room, to "see what they could find," but waited about until half-past eight o'clock at night when James Maybrick died, and then, to quote Mr. Addison's opening speech at the Trial :—

Michael Maybrick.

"Now, directly he was dead, Michael Maybrick directed the nurse [Alice Yapp] and the housemaid [Bessie Brierley] to look and see what they could find."

All this is very odd, and as we are in this Maybrick Case dealing with "suspicious circumstances," there is no lack of "suspicious circumstances" connected with the whole of these "suspicions," and those who "suspect" others must expect to be "suspected"!

As soon, however, as the breath was out of the man's body the suspicions developed into a "search of the premises." Let me repeat Mr. Addison's words :—

"Now, directly he was dead, Michael Maybrick directed the nurse [Alice Yapp] and the housemaid [Bessie Brierley] to look and see what they could find."

Mrs. Maybrick was lying in this mysterious speechless swoon on the bed in the spare room, and this pair of servant girls who had been entrusted with the search did not go into this dressing room, but went straight to a linen closet on the same landing and adjoining the death chamber, and took out a trunk, which was the only trunk which had Mrs. Maybrick's initials upon it.

Mary Cadwallader.

[NOTE.—*Mary Cadwallader has given me the following description of this linen closet :—*

Linen closet

"The linen closet was on the same landing as Mr. and Mrs. Maybrick's bedroom, and next door to it; there was no window to it, but

a gas bracket. Nothing was kept in the linen closet but linen and towels. The children's clothes were not kept there, but in their drawers in the nursery, and in their bedroom. The bedroom towels were kept in the trunk, which was not kept locked, and Bessie Brierley was constantly in the linen closet for the linen in use. It was where she always went for the linen every day." I think I may make a comment upon that which will commend itself to every lady who reads this pamphlet, and that is, that Bessie Brierley, the housemaid, would most likely *have known everything which was in that linen closet. Bessie Brierley would, in fact, scarcely be a representative housemaid if she did not. There were, however, things said to have been found in that linen closet* after death *which Bessie Brierley had not observed there* before death, *viz., a packet of yellow powder which was harmless; a packet of powder mixed with charcoal and arsenic, labelled "Arsenic. Poison for Cats;" a bottle of morphia, a bottle of vanilla essence, and seven days afterwards another bottle of scent which contained arsenic. It is odd that Bessie Brierley had not noticed any of these things there* before death.—*A. W. McD.*]

Search on Premises.

Alice Yapp, however, and Bessie Brierley—having been told by Michael Maybrick, directly James Maybrick was dead, to look and see what they could find—went straight to this linen closet, and she and Alice Yapp carried this trunk into the nursery. They did not open it, and Bessie Brierley then went downstairs to the kitchen. That was, so far as the evidence at the Trial goes, all that Bessie Brierley had to do with the search. We will now see what Alice Yapp did with that trunk.

Alice Yapp.

I must ask my readers to remember that Alice Yapp was one of the original "suspecting five," and I will also ask my readers, when following the story of the "search on the premises," to imagine themselves like the woman in Tennyson's "Sea Dreams," when the sound of the waves on the shore mingled themselves with her dream.

> And she grieved
> In her strange dream, she knew not why, to find
> Their wildest wailings never out of tune
> With that sweet note.

It is, at all events, a remarkable feature of this "search on the premises," that as regards the only arsenic found, the name of one or other of the original "suspecting five" is connected with the finding of it—

Alice Yapp,
Michael Maybrick,
Edwin Maybrick,
Mrs. Briggs, and
Mrs. Hughes.

The suspecting five.

Well, Alice Yapp (she and Bessie Brierley having selected this

Search on Premises.

trunk, *the only one with Mrs. Maybrick's initials upon it*), and having taken it into the nursery, and Bessie Brierley having gone downstairs and left it there, Alice Yapp, some few hours afterwards, about midnight, went into the nursery and opened this trunk in the presence of one of the detective-nurses—Nurse Wilson—who was a witness of the fact, and produced from it the following articles, which are set out in the Printed List (see Appendix B.):—

A packet of *black* powder, being mixed charcoal and arsenic, open at one end and labelled on one side "Poison" and on the other side "Arsenic—poison for cats;" the words *poison for cats* in red ink, was in some handwriting which, beyond the fact that it was admitted at the trial was not Mrs. Maybrick's, was not identified, but although this package had two labels no chemist's name was on the package, and the word arsenic was underlined!

A bottle labelled "solution of morphia," but with the chemist's name erased.

A bottle with no mark on it.

A parcel of yellow powder—insect powder—but not poisonous to man.

And a handkerchief with Mrs. Maybrick's name on it.

Alice Yapp's evidence as to this was at the Coroner's Inquest:

"I went into the linen closet for a trunk to put the children's clothes in. The closet is close to Mrs. Maybrick's bedroom, and is very dark. It is not lighted except by gas. The door was unlocked."

Q. Whose trunk was it?

A. Mrs. Maybrick's.

Q. Has it got letters on it?

A. Yes, F. E. M. at the sides.

Q. Were you by yourself when you went into the linen closet?

A. Bessie Brierley was with me, and helped me to bring it out.

Q. What did you do with it?

A. Bessie Brierley and I took it into the night nursery.

Q. Was any one else in the room at the time?

A. No.

Q. What did you do with it?

A. We put it down and came out.

Q. What did you do afterwards?

A. *I went upstairs and got some children's clothes to pack the trunk.*

The Coroner: Well, what did you see?

A. *When I opened the lid of the box, a sheet which had been rolled up in a bundle in the corner of the tray which fits the lid, fell out.*

Q. What did you do on seeing this?

A. I took up the sheet and a chocolate box, and a packet fell out.

Q. Did you see the contents of the paper.

A. I saw a brown paper which was broken at one end.

Q. Is this it? [produced]

A. Yes.

Q. Did you examine the chocolate box.

A. I did, and inside I saw a packet labelled "Poison."

Q. Was anything also in the box besides the packet you have just mined?

A. Yes, there were two bottles in it and a piece of linen or handkerchief. I am not sure which.

Search on Premises.

Q. Did you examine the linen or handkerchief?
A. No.
Q. Who was present when you found this chocolate box?
A. *Nurse Wilson.*
Q. *Did she see the contents also?*
A. *No, she only saw the packet of poison, and she told me to take it at once to Mr. Maybrick.*
Q. Did you take it?
A. Yes.
Q. Did she make any remark about it?
A. She said, "Poison."
Q. What did you do with it?
A. I took the chocolate box, with the packet of poison, the two bottles, and the piece of linen or handkerchief to Mr. Michael Maybrick, and gave it to him.
Q. Did you see the box opened by Mr. Michael Maybrick?
A. Yes.
Q. And did you see whether any piece of linen or handkerchief was taken out of the box by him, or put back again.
A. When I took it to Mr. Maybrick, he looked at the linen and the bottles were underneath the linen.
Q. Would you know the piece of linen or handkerchief if you saw it?
A. No.
Q. Just examine that [piece of handkerchief produced from chocolate box], and tell me if that is one of hers or not.
A. It is one of hers.
Q. Has it her name?
A. Yes.

At the Magisterial Inquiry, *Alice Yapp* said:—

"After Mr. Maybrick's death on Saturday, I received instructions from Mr. Michael Maybrick, and in consequence Bessie Brierley and I went into the linen closet to get out a trunk, *to take from it the children's clothing.* We took it into the night nursery, and left it there. *I subsequently saw a small sheet in one corner of the tray of the box. I lifted up the sheet, and a chocolate box and brown packet fell out.* I picked up the chocolate box, and found in it a packet labelled 'Poison.' *Nurse Wilson picked up the packet,* and saw that it read on the other side of the packet 'Arsenic. Poison for cats.' I took the articles to Mr. Michael Maybrick."

Q. Whose trunk was it?
A. Mrs. Maybrick's.
Q. How do you know?
A. It was marked with Mrs. Maybrick's name, *and was the only one belonging to her.*
Q. That was the trunk in which you found the chocolate box?
A. Yes.
Q. Is that Mrs. Maybrick's pocket handkerchief [produced?
A. Yes, but I cannot say it was the one found in the chocolate box.
Q. The trunk to which you refer as having found these things in it, had it for some time been used as a trunk for the children or had it not. It practically may be said to have been the children's trunk?
A. Yes, sir.
Mr. Pickford: *Mrs. Maybrick had other boxes of some kind she used herself, had not she?*
A. *Yes; I think she had a black square portmanteau which she used.*

Search on Premises.

At the Trial, *Alice Yapp* said :—

Q. Were you instructed to look at the linen closet?
A. No.
Q. From what Mr. Michael Maybrick told you did you and Bessie Brierley go to the linen closet?
A. Yes.
Q. What did you find there?
A. We did not find anything there, but in the night nursery we found there a chocolate box and packet. They were in a tray inside a trunk belonging to Mrs. Maybrick. I opened the chocolate box in the presence of Nurse Wilson. She noticed the label, "Arsenic. Poison for cats." I took the chocolate box and parcel as they were found to Mr. Michael Maybrick, and I saw him take the lid off the box. I observed a piece of handkerchief in the box with two bottles underneath.
Q. This is still Mrs. Maybrick's trunk?
A. Yes.
Q. Do you know whose handkerchief it was?
A. It was Mrs. Maybrick's.

Nurse Wilson's evidence at the Inquest was :—

"I was present when the trunk was opened, *and saw all the things taken out of it. In the chocolate box I did not notice any handkerchief.*"
Q. You saw these things when the trunk was opened. *Were they lying on the top of the tray?*
A. *Yes, they were lying with the little cot sheet.*

Nurse Wilson.

Nurse Wilson at the Magisterial Inquiry said :—

"I was present on Saturday night when Alice Yapp opened the trunk and found a chocolate box and a brown paper containing brown powder. I only saw one packet in the box; it was marked 'Arsenic. Poison,' and on the other side 'For cats.'"

Nurse Wilson at the Trial said :—

Q. Were you present when Nurse Yapp opened the trunk?
A. Yes.
Q. And found a chocolate box and parcel?
A. Yes.
The Judge: You were present when she opened the trunk that day What day was it?
A. Saturday night.

Michael Maybrick.

At the Inquest *Michael Maybrick* said :—

Q. At about half-past eleven on the night of your brother's death did you give certain instructions to Nurse Alice Yapp?
A. Yes, I did. I gave instructions very soon after my brother's death.
Q. About what time did you give these instructions, to the best of your judgment?
A. *I should think about an hour after my brother's death.*
Q. Did you see Alice Yapp about midnight?
A. Yes.
Q. She came to you in the morning-room, on the ground floor?
A. Yes.

Search on Premises.

Q. What did she give you?
A. Two parcels.
Q. Did she give you this [holding up a small chocolate box]?
A. Yes.
Q. Just as it is now?
A. Yes.
Q. And also a parcel?
A. Yes; a small parcel, wrapped up in brown paper.
Q. Which was not in the box?
A. No.
Q. Tied up in brown paper?
A. Yes.
Q. Did you open the parcel?
A. Yes.
Q. What did you find in it?
A. The first thing I saw was a white package, labelled "Poison."
Q. The Coroner: Just look at the package. Was that what was in the chocolate box?
A. Yes.
Q. What is it labelled?
A. "Poison" on one side, and on the other "Arsenic. Poison for cats."
Q. Were the words "Poison for cats" written in red ink?
A. Yes. I cannot recognise the writing on the packet. I noticed that the bottles contained a white fluid, but the labels were scratched off them.
Mr. Bryning: Was there anything else in the box besides the package and those bottles?
A. I really forget. I was very much distressed at that time. I think, however, there was a pocket handkerchief, or a piece of linen. I did not see any chocolate in the box.
Q. *Can you recognise the handkerchief again?*
A. *No, I could not do that. I believe it was taken out, but there were others in the room at the time. I was not alone.*
Q. What was done with the chocolate box and the parcel?
A. My brother Edwin went next door, to the house of Mr. Steel, solicitor, and under his advice we put them in a paper, and sealed them up.
Q. The Coroner: The chocolate box and the parcel?
A. Yes.
The Coroner, examining a parcel placed open before him by the police, said, in reply to Mr. Pickford: It is a parcel of insect powder.
Mr. Fletcher Rogers (foreman of the jury): Was the parcel sealed in the presence of Mrs. Maybrick?
A. No, Mrs. Maybrick was in her bedroom.
The Coroner: Did you see the parcel containing this powder?
A. Yes, that was open. It was almost running out of the parcel.
Q. This brown paper parcel, with others, was made by you into one parcel?
A. Yes.
Mr. Superintendent Bryning: When the parcel was sealed, what did you do with it?
A. I locked it up in the wine cellar, that being the only safe place. I had the key.
Q. And afterwards you gave the parcel to Inspector Baxendale.
A. Yes.
Q. When did you give it him?
A. I believe on the Monday evening.

I have set out this evidence given on each of the three occasions—the Inquest in May, the Magisterial Inquiry in June, and

Search on Premises.

the Trial in August—because I want to direct the special attention of my readers to the *black powder* found on this occasion.

Act regulating sale of poison.

The Act of Parliament which regulates the sale of arsenic (14 Vic., c. 13, s. 3) provides that when sold in small quantities, it should be mixed with $\frac{1}{16}$th of its weight of soot, or $\frac{1}{32}$nd of indigo. In this particular case it was mixed with $\frac{1}{12}$th of charcoal, which was a slight evasion of the Act, and suggests the idea that it was obtained from some country shop, or small shop, where the person who sold it not happening to have any soot or indigo at hand, made it up as a "black powder," so as comply with the object of the Act that arsenic should be recognisable to the public generally as a "black powder." Any one who is connected with farming is familiar with arsenic as a "black powder."

Black powder.

It is, in fact, so generally known as a "black powder," that I doubt whether before this Maybrick Trial one person in a hundred, except scientific men, and those engaged in trade connected with arsenic, would ever think of arsenic except as a "black powder."

Now, with regard to this particular package of "black powder" which Alice Yapp produced out of this trunk, in the presence of the witness Nurse Wilson, the police did not produce any evidence as to where it came from. Somebody connected with that household must have obtained it; and, as it was mixed with charcoal instead of soot or indigo, it may be assumed that it was not obtained at any of the ordinary chemists' shops in Liverpool; but the police ought to have had no difficulty in finding out who was evading the Act by using charcoal instead of soot or indigo. Of course the person who evaded the Act would not be likely to come forward voluntarily and say so, and thus expose himself to the penalties of the Act; but still so few are likely to run such a clumsy risk, that the police ought to have had no difficulty in finding out where this package had been obtained, because probably the same person had supplied some one else with a similar mixture. It would probably have been some one in some remote country village. But, anyhow, with our police organisation, there ought to have been no difficulty in tracing where this package came from; because, shopkeepers who mix arsenic with charcoal instead of soot and indigo must be very few and far between, seeing that charcoal is much more expensive than either soot or indigo, and, moreover, it is a much more difficult thing to use for the purpose of mixing. It could only have been used by some one who did not happen to have any soot or indigo at hand.

Again, there was another peculiar circumstance in connection with this particular packet of black powder. On one side of it there was the ordinary printed red label, "Poison," and on the other the word "*Arsenic.*" A druggist would ordinarily (if not always) have also his name printed on the label, but in this case

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there was no druggist's name on it. But then there was this curious fact about this package, that some one had not been content with the simple and ordinary labels "Poison" and "Arsenic," but had underlined the word *Arsenic*. Now what earthly reason was there for doing that? It is at all events the last thing a person obtaining it for the purpose of murder would be likely to do; such a person would be more likely to erase the label. Nor was this all. Some person had also written on it in red ink the words "*Poison for Cats.*" Now why write anything? and least of all why write *for Cats*? Beyond the fact that it was admitted at the trial that it was not the handwriting of Mrs. Maybrick, nothing was said as to any effort having been made by the police to have that handwriting identified. Why in the world did not the police publish a facsimile of it? It was such a funny thing for anybody to write, that some one would probably have come forward, and the police would have found out where this packet of black powder, this packet of mixed arsenic and charcoal, had come from, and who it was who had thought of such words, "Poison for Cats." If it had been "Rat Poison" there might have been more difficulty in finding this out, but "Poison for Cats" is such an unusual idea for any one to think of.

[NOTE.—*I was so much struck with the word "cat" that I made inquiries of Elizabeth Humphreys, the cook, and Mary Cadwallader, the parlour-maid, as to whether cats were troublesome at Battlecrease. They inform me that they were not, that they had three in the house, and that so far as Mrs. Maybrick is concerned, she had no antipathy to cats, that her constant companion, in fact, was a pet cat that she always had in the sitting-room with her, and that the only person they ever heard complain about cats at Battlecrease was the gardener, James Grant, who used to complain of their getting into his frames and damaging his plants. James Grant did not live in the house, he had married a former servant at Battlecrease, and he and his wife, Alice Grant, lived in a house of their own near, but they were both of them constantly in and out of the house, and they and Alice Yapp were great friends. Elizabeth Humphreys tells me, however, that Alice Grant had a great dislike to Mrs. Maybrick, who was very domesticated and spent almost all the day at home reading, in fact, was too domesticated in her habits to suit Alice Grant who, before she married, used to be always talking in the kitchen of Mrs. Maybrick as "an old cat, always sticking in-doors," and that Alice Yapp also used to talk of Mrs. Maybrick in the same way. Well, if this be so, it is, of course, possible that if James Grant, the gardener, had got (as gardeners generally have) some of this "black powder" for rat poison, this pair of Alices might have written these words, "Poison for Cats," upon that parcel without*

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Then again, Nurse Wilson, who was present when Alice Yapp opened this chocolate box, *did not see any piece of linen or pocket-handkerchief in it.*

Then, again, Michael Maybrick, who opened the chocolate box in the dining-room, and sent for Mr. Steel, a solicitor, at midnight, to advise him what to do with it, when at the Inquest, in May, fought shy of this pocket handkerchief with Mrs. Maybrick's name on it. He said :—

Q. Was there anything else in the box besides the package and those bottles?

A. I really forget. I was very much distressed at that time. I think, however, there was a handkerchief or a piece of linen. I did not see any chocolate in the box.

Q. Can you recognise the handkerchief again?

Mr. Steel. A. No, I could not do that. I believe it was taken out, but there were others in the room at the time. I was not alone.

No, he was not alone. Edwin was there, and he also said, in his evidence, he could not identify it; but Mr. Steel, the solicitor, who had been sent for to advise what should be done with these things, was also there, and, after the manner of solicitors, he would naturally have made a very careful examination of the things he was called in to advise about at midnight, and he advised they should be made up into a sealed package, but the police did not

Mr. Addison, Q.C. call Mr. Steel; but I should like to know why they did not call him?

Then, again, Alice Yapp's evidence at the Inquest is, that when she opened the trunk the things *fell out* on the floor. That struck me as odd, because, if this was a private store of arsenic which Mrs. Maybrick, as a designing woman, or, to use Mr. Addison's description of her when stating the case of the Crown at the Trial,

"With a cunning rarely equalled in the annals of crime,"

had kept her stores of poison in that trunk in the dressing-room, she would have been hardly likely to have put them in in such a position as that they would fall out on the floor of the dark linen room directly the lid was opened! But Nurse Wilson's evidence was, that they *did not fall out on the floor*, but were wrapped up in a cot sheet which was lying on the tray of the trunk!

Which of these two women was speaking the truth?

There is still another remarkable feature about this find of Alice Yapp's, and that is the odd collection of things that were found thus wrapped up together. The only thing among them which contained any arsenic was the "black powder."

(1) A packet of yellow or brown insect powder that was harmless.

(2) The parcel of "black powder," labelled "Arsenic. Poison for Cats." Search on Premises.

(3) A bottle of solution of morphia, "20 to 25 drops a dose."

(4) Another bottle which did not contain any poison, and none of these things had got any druggists' labels on them! And a bottle of vanilla essence, which was free of poison. This is an odd collection. It was not suggested that Mrs. Maybrick was using them all. I can understand a person wishing to put a charge upon Mrs. Maybrick collecting anything—a yellow insect powder, a black powder marked "Arsenic," and a bottle of morphia, and, in fact, anything that looked like poison, and leaving the poison labels, but scratching out all the chemist's labels, and putting in a pocket handkerchief of Mrs. Maybrick's to identify her with them! I can understand a putter on placing the vanilla essence there, because Mrs. Maybrick had put some vanilla essence into some arrowroot and its looking dark had been noticed in the kitchen! I can understand a device of that kind, but what I cannot understand is why Mrs. Maybrick should make up such a collection as this if she was engaged in carrying out a murder! No labels.

Ther· is no lack of "suspicious circumstances" about this collection of things found in that open trunk with Mrs. Maybrick's initials on it in that open linen room, but I venture to think that my readers will agree with me that they are "suspicious circumstances" which *point away from* a murderer, and *point towards* some unfriendly person, who was seeking to put a charge upon Mrs. Maybrick. Putter on.

The police not only did not produce any evidence where the packet of "black powder" came from, or that Mrs. Maybrick had ever purchased any; but it was the same as to the insect powder, and the bottle of solution of morphia! These things also must have been bought by somebody! Mrs. Maybrick, if she had put them into that chocolate box, must have got them from somewhere —that bottle of *solution of morphia*, for example. There ought to have been no difficulty in the way of the police finding out whether she had been buying a bottle of *solution of morphia!* And then again, why was the label, "Solution of Morphia" left on, and the name of the druggist scratched off? Solution of morphia is a white liquid, which looks like water. If a person was engaged in crime, I can understand their taking off the words, "Solution of Morphia," but they were left on, and the chemist's name erased! Morphia.

How in the world any full-grown man or woman could have connected Mrs. Maybrick with this odd collection of things, unless they had lost their heads in the presence of the Maybrick Mystery, passes my comprehension.

I can, at all events, insist that there is nothing whatever in the evidence given as to the finding of these things *after* death,

Search on Premises.

which shows that they were in that trunk *before* death; or that, if they were there, Mrs. Maybrick put them there, or had anything whatever to do with them, whoever else had.

Michael Maybrick.

Now Michael Maybrick having, under the advice of this solicitor, Mr. Steel, made up a sealed package of these things, no further search was made that night, but the next morning—Michael says about nine o'clock—Sunday, the 12th (Mrs. Maybrick still lying in her mysterious swoon on the bed in the spare room), he proceeds with Edwin, Mrs. Briggs, and Mrs. Hughes, (members of the "suspecting five,") to search the dressing-room, according to their evidence, not for poison, but for the "keys of the safe" to find the will; and Mrs. Hughes looked under the paper lining of the drawer of the dressing-table for the "key of the safe," and found a letter from Brierley instead; and Mrs. Briggs looked in some bandboxes, which were on the floor in the dressing-room, and which contained some of James Maybrick's hats, for the "key of the safe," and found a number of bottles instead, which contained some of them white solution and others black solution made out of the "black powder"! And having found these things Edwin Maybrick locked up the dressing-room. What they did for the rest of the day did not transpire, but at 8-30 at night Inspector Baxendale came to the house and "made inquiries" and "took particulars," and Edwin Maybrick took him up to the dressing-room, unlocked it, and gave Inspector Baxendale these *white solutions* and *black solutions*, and Inspector Baxendale took them away with him and locked them up in a cupboard.

White solutions and Black solutions.

Now, before I enter into a description of this second find of arsenic on the premises by this "suspecting five," I want to draw particular attention to the fact that Edwin Maybrick, although he had locked up these *white solutions* and *black solutions*, kept the key, and gave them to Inspector Baxendale, did not give him the "black powder" which Alice Yapp had found the night before, and which he regarded of so much importance that he had called in a solicitor (Mr. Steel) at midnight, the night before, to advise what should be done with them, and which, under that advice, had been locked up in the cellar, of which he had a duplicate key. This is very odd! Michael Maybrick, it will be remembered, said in his evidence that he did not give the sealed package containing the "black powder" to the Inspector until Monday evening.

Dressing-room

Now, certainly, unlike the linen closet, where there was no evidence and not much probability that Mrs. Maybrick went into it at all, or would use it as her poison dispensary, it is perfectly plain that Mrs. Maybrick had every opportunity of making use of any of these white solutions or black solutions in the dressing-room. It opened into the sick chamber, and there was no other entrance

to it, and Mrs. Maybrick was constantly in and out of that dressing-room and bedroom. It was James Maybrick's dressing-room, but during his illness she used to lie down on the bed there when she wanted rest, and, therefore, assuming that these "white solutions" and "black solutions" were in these bandbox hatboxes *before* death, and that she knew of them, there can be no doubt she had access to them, and as she had on the night of Thursday, the 9th, been seen by the nurse to take a bottle of Valentine's Meat Juice into that dressing-room, and as a "metallic deposit" had been found by Dr. Carter on his test of a bottle of Valentine's Meat Juice, the circumstance of the finding of these white solutions and black solutions in that dressing-room was a "suspicious circumstance" against Mrs. Maybrick, and the police should at once have applied for a search warrant and taken charge of the house. Search on Premises.

Now, I must make this observation about the things found by Alice Yapp on that Saturday night, and that is, that there was only one of them which contained any arsenic at all, and that was the *black powder*, labelled "Arsenic. Poison for Cats;" and that as regards that, without staying to consider whether a cat could be induced to take a fatal dose of this black powder, no one could administer a fatal dose of it, either in the form of powder or in a solution of it, to Mr. James Maybrick or any one else without his knowing it. If any one was to try to administer arsenic, mixed with charcoal, to any man he would notice the black charcoal at once; and, as a matter of fact, no trace of this *black powder* having been used in anything which James Maybrick had taken, or *might have taken, was detected*, though the charcoal was carefully searched for by the analysts. It is, however, a remarkable circumstance, and a "suspicious circumstance," that some *black solutions* of this *black powder* were found the next morning in the dressing-room. To whom that "suspicious circumstance" attaches is another thing. It might attach to Mrs. Maybrick, if it had been shown that this "*black powder*" had been obtained by her, or even that she knew it was in that linen room; but, as nothing of the sort was shown, the "suspicious circumstance" might attach to any unfriendly person in that house who might be supposed to be ready to put a charge upon Mrs. Maybrick. The very clumsiness of the device of making a solution of this "black powder" rather, in fact, leads to such a "suspicion." Such a character has been portrayed by the master-hand of Shakespeare:— Putter on.

> "You are abused by some putter on
> That will be damned for it—would
> I knew the villain."

Search on Premises.

On the morning of "Sunday the 12th," at nine o'clock, four of the "suspecting five," viz.,

The suspecting five.

Michael Maybrick,
Edwin Maybrick,
Mrs. Briggs, and
Mrs. Hughes,

Search in Dressing-room.

formed themselves into a search party in the presence of each other as witnesses, and went straight to the bedroom where James Maybrick was lying dead, and into this dressing-room, and made a thorough search, even lifting up the paper linings of the drawers. It does not appear in the evidence that they searched any other part of the premises.

[NOTE.—*Mrs. Briggs said to the interviewer*, Liverpool Daily Post, *15th August, 1889*, "*I only helped to look for the keys at Michael Maybrick's request. We never went to search in any rooms in the house except one, and that was the bedroom.*"]

Mrs. Maybrick was still lying in her mysterious speechless swoon on the bed in the spare room, to which Edwin Maybrick had carried her the day before. These people say they were searching for the "key of the safe to find the will," and they did not wait for Mrs. Maybrick to recover from her swoon before ransacking the room for the "key of the safe!" It is very odd! I fancy such conduct is not usual among brothers-in-law and visitors! and that it is something peculiar to the Maybrick family and the Janion family. (Mrs. Briggs and Mrs. Hughes were sisters, whose maiden name was Janion.)

Mrs. Hughes.

Mrs. Hughes says she was *looking for the keys of the safe* under the paper lining of the dressing-table drawer, when she

Keys of the safe.

found a letter from Brierley to Mrs. Maybrick! This is the letter (see fac-simile) to which Mrs. Maybrick's letter—the pencil letter which Alice Yapp alleged she intercepted on Wednesday, the 8th (see fac-simile)—was a reply, and Mrs. Briggs was *looking for the keys of the safe* in some cardboard hatboxes, containing James Maybrick's hats, which were on the floor in his dressing-room, when she found some small bottles, &c., in them!

The following, however, is a list of the things found by these people, instead of the "keys of the safe," on that Sunday morning, as described in the printed list prepared by the police, and handed to the analyst (see Appendix B) on the 14th of May:—

"Liverpool, May 14th, 1889.

"Bottle No. 1a, found by Mrs. Briggs, in Mrs. Maybrick's room, with handkerchief.

Appendix B.

2. Bottle with fluid, in deceased's room, by Inspector Baxendale.
3. Lotion.

Search on Premises.

4. Laudanum.
5. Colourless liquid.
6. Parcel.
7. Found in Mrs. Maybrick's dressing-room by Inspector Baxendale—meat extract.
8. *Bottle with liquid and black powder.*
9. Compound mixture of bismuth.
10. *Liquid in bottle—no mark.*
11. *Sediment in bottle. Label, "Humphrey Jones, Llangollen."*
12. Glass.
13. Box, with crystals.
14. Parcel—Carbonate of magnesia, "Clay and Abraham."
17. Sealed package. Seal, "Bird with branch in its mouth." Contains a box in which was a package marked "*Arsenic. Poison for cats,*" with poison label, handkerchief, bottle labelled "Solution of Morphia," bottle (no mark), parcel of yellow powder.
18. Bottle of vanella essence.

(Signed) "EDWARD DAVIES, F.C.S., F.I.C., &c."

Now, amongst all the things found in the house—and they were all found by the "suspecting five" on this Saturday and Sunday before the police were called in—the only things which formed the "store of arsenic" found on the premises were :—

The *black powder* labelled "Arsenic. Poison for Cats," found by Alice Yapp, on Saturday night, the 11th.

No. 8.—Bottle with liquid and black powder.

No. 10.—Liquid in bottle, which contained a saturated solution of white arsenic.

No. 11.—Bottle containing crystals of arsenic.

No. 12.—Glass; which was a tumbler containing a liquid and black powder.

(Nos. 8, 10, 11, and 12 were found by Michael Maybrick, Edwin Maybrick, Mrs. Briggs, and Mrs. Hughes, on Sunday morning, the 12th.)

These are the things which have been described as Mrs. Maybrick's *stores of arsenic.* And besides these things (thus found by the "suspecting five"), no other store of arsenic was found in the house by anybody! It will be seen, and the circumstance is very odd, that, with the exception of No. 10, which contained a solution (it is described as a saturated solution of white arsenic), and No. 11, which contained crystals of white arsenic, and was not a solution, all the rest consists of this *black powder* labelled "Arsenic. Poison for Cats," and some solutions of it.

Michael Maybrick said in his evidence about his part in this search on the premises (at the Inquest he was not asked about the finding of *these bottles,* but only about *the letters*) :—

Q. Did you give some letters to Mr. Baxendale?
A. Yes, I did.
Q. How did they come into your possession?
A. On the Sunday morning [the 12th] we were searching for keys in the little dressing-room of my late brother.

Search on Premises.

Q. Can you tell me whether the dressing-room was then used as a bedroom?

A. Yes, it had been used as a bedroom by Mrs. Maybrick during my brother's illness.

Q. Can you say when she used it?

A. She was lying on the bed in that room when my brother died—she was there all Saturday. She was continually in that room, passing to and fro, and she was lying there the whole of Saturday. She was carried out of it in the evening after my brother's death.

Q. Look at these letters.

A. Yes; these are the letters which were found on the Sunday morning.

The Coroner: You did not find them?

A. I did not.

Q. Were you present when they were found?

A. *Yes, four of us were in the bedroom at the time.* They were found in the dressing-table drawer, under the paper lining.

Q. *By whom?*

A. *Either by my brother Edwin or by Mrs. Briggs, I do not know which.*

Q. *About what time?*

A. *I should say between nine and ten o'clock, or, at any rate, before eleven o'clock.*

Q. What did you do with them?

A. I took possession of them, and afterwards gave them to Inspector Baxendale.

Q. The same day?

A. No; on Tuesday, I think.

At the Magisterial Inquiry *Michael Maybrick* was not asked anything about the finding of *these bottles*, but only about *the letters.*

"On Sunday morning, the 12th, I searched for keys in my brother's bedroom and the adjoining dressing-room. Some letters were handed to me. There were three letters and a slip of paper containing a copy of a telegram. *Mrs. Hughes, I believe, handed me the letters.*"

At the Trial *Michael Maybrick* was not asked anything about this search on the Sunday morning, or about *either the letters or the bottles!*

Edwin Maybrick, at the Inquest, said:—

"On Sunday, the 12th May, *I, Michael, and Mrs. Briggs*, searched the dressing-room of deceased's bedroom. Two hatboxes, one above the other, were found in a corner, *not in any way concealed*, and also a bottle wrapped in a portion of a handkerchief. The *upper hatbox* contained a brown slouched hat, put in the box lining downwards. On lifting the hat a little wooden box was found underneath. This small box contained two or three bottles, and a bottle of Valentine's meat extract partly full. *In the lower* hatbox was a tall silk hat, placed in the ordinary way, crown downwards. In the crown of this hat was a small hat brush, and a tumbler glass containing liquid, and a piece of linen soaked in the liquid. The room was locked up, and kept locked, the key remaining in my possession until Inspector Baxendale came, when the hatboxes were still in the condition in which I originally found them. On the Sunday, at the same time, in the dressing-room, in a cupboard or fancy table, *which was unlocked*, I found a bottle and a handkerchief. The handkerchief was round the bottle, and the bottle was at the far corner of the cupboard, steadied by what appeared to be a broken gas bracket to prevent its tippling

over. I put them back, and gave them to Inspector Baxendale at the same time that I gave him the hatboxes. So far as I am aware no person had access to this room until I handed the bottle and handkerchief to Inspector Baxendale. They were just in the same position as I found them in on the Sunday." Search on Premises.

At the Magisterial Inquiry *Edwin Maybrick's* evidence was :—

"On Sunday, my brother *Michael, Mrs. Briggs, and myself* searched the dressing-room, and found the two hatboxes produced. In one of the boxes underneath a brown slouch hat I found a little wooden box containing a piece of linen and several small bottles. The Valentine's Meat Juice bottle was lying at the top. In the other hatbox there was a silk hat. Between the hat and the lining we found a tumbler which was half full of a milky fluid, and in it a piece of a pocket-handkerchief, lying soaking. I handed these different things to Inspector Baxendale. There was a bottle found in a cupboard in the dressing-room, which was also handed over to Mr. Baxendale."

Cross-examined :

Q. You spoke in your evidence as if you were looking for the things found in the hatbox. They did not want finding—they were standing openly in the room, weren't they ?

A. Yes, one above the other.

Q. Not concealed in any way ?

A. No.

Q. Your answer seemed to imply that they had to be looked for. You didn't mean that ?

A. No.

Q. Speaking generally, none of these bottles or things were in locked up places ?

A. No.

At the Trial, *Edwin Maybrick* was not asked anything about the finding of these things !

Mrs. Briggs, in her evidence at the Inquest, said :— Mrs. Briggs.

"On the 11th of May I was present when Mr. Maybrick died. On Sunday, the 12th of May, *Michael, Edwin, and myself were searching for some keys, and while searching some letters were found.* I was not in the room when they were found."

Q. I am not sure whether you told me where you found those three letters ?

A. They were found in the inner room of Mr. Maybrick's bedroom.

Mr. Steel : Mr. Michael Maybrick found them, I think.

Supt. Bryning : Do you know this little box ?

A. Yes.

Q. Were you present when it was found ?

A. Yes.

Q. What did it contain when it was found ?

A. On the top was a bottle labelled Valentine's Meat Extract, and there were some bottles beneath.

Q. Where was this box found ?

A. In a hatbox in the dressing-room leading off Mr. Maybrick's bedroom.

Q. Who were with you when it was found ?

A. *Mr. Michael and Mr. Edwin Maybrick.* This was on the Sunday after the death.

Q. *That was the day on which you searched for keys ?*

A. Yes.

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The Coroner: Who was the person who really found the box and took possession of it?

A. I did, and I gave it to Mr. Michael Maybrick.

Q. What did he do with it?

A. He gave it to me, and told me to put it back. On the same evening it was brought down and handed to Inspector Baxendale.

Q. Did you see the bottles taken out of the hatbox, and was the last you saw of them when they were replaced in the hatbox?

A. I saw them again when Mr. Baxendale had them in the evening.

Q. And had he in his possession the same box containing the same bottles as you saw in the morning?

A. Yes.

Q. Did you place them back in the hatbox exactly in the same position as you found them?

A. Yes.

Q. *Did you find another bottle and a handkerchief in another box?*

A. Yes.

Q. Did you find this tumbler? [Produced].

A. Yes.

The Coroner: Where were these hatboxes—in the dressing-room, on the drawers, or shelf?

A. On the floor.

Q. When you walked into the dressing-room, could you see these things?

A. Yes; they were in a prominent place in the room.

By Superintendent Bryning: In the second hatbox there was a tumbler and a piece of rag.

Q. Anything else?

A. No.

Q. Had the hatboxes each hats in, as you see them now?

A. Yes.

Mr. Pickford: They are bandboxes not hatboxes. [The boxes were held up to the view of the jury.] One contained a soft felt hat belonging to Mr. Maybrick, and the other a silk hat with velvet refresher, which fell out upon the floor.

Mr. Bryning: Where did you find this bottle [producing a small bottle]?

A. In the dressing-room at the back of the washstand; it was inside a drawer.

The Coroner: Did you see it found?

A. Yes.

Q. By whom?

A. By Mr. Michael Maybrick.

Mr. Pickford: May I have the number of the bottle?

The Coroner [reading]: No. 1, found by Mrs. Briggs in Mrs. Maybrick's room.

Coroner (to witness): You saw this bottle found?

A. Yes, in her bedroom.

Q. Do you mean the bedroom attached to the late Mr. Maybrick's room?

A. No, I mean in the room where he died.

Superintendent Bryning: When you found the bottle, did you find a handkerchief at the same time? Does that bring anything to your mind [motioning towards the Coroner, who held a bottle in his hand]?

Witness: No.

Mr. Pickford: All these things you found while you were looking for Mr. Maybrick's things?

A. Yes.

Q. And this room or dressing-room, was a room that he used to use before his last illness?

A. Yes.

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Q. He used it, I think, always as a dressing-room, and sometimes he slept in it?

A. Mr. Maybrick did not use it as a sleeping-room, but he used sometimes to sleep there.

Mr. Pickford: Sometimes they occupied the same room, and sometimes he occupied that room?

A. I have been told so.

Q. Do you know it from them?

A. From them.

The Coroner: Has Mrs. Maybrick told you that the dressing-room was sometimes used for sleeping purposes by her husband?

A. Yes.

Mrs. Briggs's evidence at the Magisterial Inquiry was:—

"I was present on the 11th of May when Mr. Maybrick died, and on the following day *I searched some of the rooms, Mr. Michael and Mr. Edwin Maybrick* being with me at the time. I found a bottle and a handkerchief in the dressing-room, and in the bottle there was a liquid. A box was also found which contained a bottle of Meat Extract. I left all the things I found in their places, but I told the two brothers what I had found."

Cross-examined:—

"*I found the things in the bandbox when looking for Mr. Maybrick's keys.* I was told that Mr. Maybrick sometimes occupied the bedroom and sometimes the dressing-room. The hatboxes were standing in a corner of the room, and *were not concealed in any way. There was nothing locked up in any of the rooms, except Mrs. Maybrick's wardrobe, where her clothes were, and in that wardrobe none of the bottles or glasses concerned were found.*"

At the Trial, *Mrs. Briggs's* evidence was:—

"I was at the house on Saturday morning at between 4 and 5 o'clock, and remained in the house till he died. On the following day *I made a search of the house with* my sister [Mrs. Hughes] and Mr. Maybrick's brothers [Michael and Edwin]. In the dressing-room I found a small bottle and a handkerchief [produced]. The bottle had a fluid in it. I also found a small blue box [produced] in a hatbox in the same room. This room had only access by one door to Mr. and Mrs. Maybrick's bedroom. The box contained a man's hat. The smaller box contained the bottles produced. A tumbler was found, containing milk, in a second hatbox. There was a quantity of fluid in the glass. The articles found were handed over to Inspector Baxendale."

In cross-examination:—

Q. Was the writing-table unlocked?

A. Yes; and there was a little cupboard under the writing-table.

Q. What did you find in it?

A. Odds and ends.

Q. Among other things did you find some picture cord, hammer, and nails?

A. Yes, that kind of thing.

Q. And did the small bottle and handkerchief meet your eye when you opened it?

A. No, they were quite far back.

Q. I don't know whether you knew that the small bottle contained oxide of zinc?

A. I don't know.

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Q. The first hatbox you found in your search, where was it?

A. In the corner of the room; in the furthest corner on the right hand side.

Q. Was the hatbox on the floor?

A. Yes.

Q. *It was not secured or fastened?*

A. No.

Q. And it did, in fact, contain a hat?

A. Yes.

Q. What sort of a hat was it?

A. One was a soft hat, and another was a tall one.

Q. Yes, but I am asking you about the first hatbox. Were the hats standing beside each other, or one on top of the other?

A. *I think beside each other.*

Q. When you opened the first you found a small wooden box, and it contained three bottles, and on the top of the box there was a bottle of Valentine's Meat Extract?

A. Yes.

Q. In the second hatbox, *which you say was standing near the first*, you found a glass, and there was something like milk in it and a rag?

A. Yes.

Q. *Have you told us, Mrs. Briggs, the result of the search so far as you took part in it?*

A. *Yes.*

Q. *Was there anything, so far as your observation extended, except Mrs Maybrick's wardrobe, that was in any way secured or locked?*

A. *No.*

Q. *No bottles or anything else connected with this case were found in the wardrobe?*

A. *No.*

Mrs. Hughes' evidence at the Inquest was:—

"I was at Battlecrease on Sunday, the 12th, the day after the deceased's death. *I was alone in the bedroom.*"

Q. While you *were searching for keys*, did you find some letters?

A. Yes. I found the letter [the letter of Brierley to Mrs. Maybrick produced, see facsimile] in the middle drawer of Mrs. Maybrick's dressing table.

Q. Was that in the room where Mr. Maybrick died, or in the dressing-room off it?

A. In the room where Mr. Maybrick died.

Q. Where in the room did you find it?

A. In a drawer in the dressing-table.

Q. *Having found it, what did you do?*

A. *I went into the dressing-room and handed it to Mr. Michael Maybrick.*

Mrs. Hughes' evidence at the Magisterial Inquiry was:—

"I was at Battlecrease House on the day after the death of Mr. James Maybrick. *In the afternoon I was alone in the bedroom, and made a search for keys*, and while doing so I found some letters in a little drawer in the dressing-table. I took them into the dressing-room adjoining and gave them to Mr. Michael Maybrick."

Mrs. Hughes' evidence at the Trial was:—

"I was at the house the day after death. I found some letters [produced] in the middle drawer of the dressing-table, and handed them to Mr. Michael Maybrick. The dressing-table was in Mrs. Maybrick's bedroom."

Inspector Baxendale's evidence at the Inquest was :— Search on Premises.

"About eight o'clock on Sunday night I received information of Mr. Maybrick's death. I went to the house, *made inquiries there, and took particulars.* After doing so I asked to see the body. I was accompanied into the room by Mr. Edwin Maybrick. After viewing the body I asked to look into the dressing-room. We went in together, and I asked him if it had been searched, and he said it had." Inspector Baxendale.

The Coroner: Was Mrs. Maybrick present?

A. No. We had a conversation, and the result of that conversation was that Mr. Maybrick brought me the hatbox [produced]. Mr. Maybrick lifted them on the table, and I took possession of them and their contents. I took them home with me and locked them up in a cupboard, until I took them to the analyst on the 14th of May.

The Coroner: Can you tell us what the small box contained?

A. Yes; five small bottles. They are numbered 7 to 11.

Q. Had they all corks in?

A. Yes.

Q. Were any of them sealed?

A. No.

Q. Is that the box you took from one of the hatboxes numbered 12.

A. Yes.

Q. Look at the rag produced?

A. It is similar to that I saw. I did not touch it. It was in No. 12.

Q. That disposes of the hatbox does it?

A. Yes.

At the Trial *Inspector Baxendale* said :—

"He was stationed at Garston. In consequence of information received he went to house of deceased. He saw Mr. Maybrick's corpse. Afterwards he went into the inner bedroom or dressing-room with Mr. Edwin Maybrick. He there saw two bandboxes or hatboxes on the floor at the head of the bed. There was there a little raised place connected with the heating or ventilating apparatus. The hatboxes were side by side. He heard from Mr. Maybrick what was found in the boxes. There was a box with certain articles in it. There was a glass with a white liquid and a rag in it. He took possession of all the articles.

I have set out the whole of the evidence given about this "search for keys" (it did not appear whether the keys were found) under paper linings of drawers, and in bandbox hatboxes, which resulted in the finding of these "stores of arsenic"! It is not quite clear from it, especially as they do not say whether they had found the Will, why these four persons should have occupied themselves in ransacking the bedroom and dressing-room, while Mrs. Maybrick, the mistress of the house, was lying in a spare room in a swoon, to search for the keys, and there are one or two curious features in this evidence. Mrs. Hughes and Michael Maybrick have nothing to say about the *bottles* in their evidence. They confine their evidence to the *letters!* As to this, Michael Maybrick says that Mrs. Hughes gave him the letters at *9 o'clock or 10 o'clock in the morning*, and Edwin says he looked up the dressing-room that morning, and no one had access to it The stores of arsenic

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afterwards until Inspector Bryning came at 8-0 in the evening! But Mrs. Hughes says she was searching the bedroom all alone in the *afternoon*, when she found the letters, and then took them to Michael in the dressing-room! and some of these witnesses state that the *hatboxes were one on top of the other*, while others state that they were *standing side by side!* Nothing in the house was locked up except Mrs. Maybrick's wardrobe, and no poison was found in that! So that everybody else besides Mrs. Maybrick could have put anything they liked either into the open trunk in the linen room, or into the open and unconcealed hatboxes; and I am bound to say, on the face of it, that the "suspicious circumstance" of the clumsy contrivance of making some black solutions of the *black powder* labelled "Arsenic: Poison for cats," which were found in the hatboxes, points rather towards some ignorant person who thought arsenic was itself a "black powder," and who was trying to put a charge upon Mrs. Maybrick, than to Mrs. Maybrick or any one else making these *black solutions* for the purpose of administering arsenic to any one. I am bound to say that the "suspicious circumstance" connected with these *black solutions* points rather to a "putter-on" than to a murderer. Those who "suspect" others must expect to be "suspected," and it is the first instinct of a healthy mind, and certainly the first duty of a policeman when he hears the word "suspicion," to inquire who suspects.

I want very much to see the "particulars taken" by Inspector Baxendale on that Sunday night, the 12th of May, as to which he says:—

> "I went up to the house and made inquiries there, and took particulars,"

on which occasion he took away these bottles, but did not hear anything about the letters, or about the black powder, labelled "Arsenic. Poison for cats," and other things which Alice Yapp had found the night before, and which Mr. Steel, a solicitor, had considered were of so much importance, as to advise their being made up into a sealed package and locked up in the cellar, of which Michael and Edwin kept the duplicate keys.

Why did not Inspector Baxendale, if his "particulars taken" involved serious questions, at once there and then apply for a search warrant, and place the house under the observation of the police, so that nobody should touch or move anything in it until the police had themselves made a search of the premises, and if it was necessary to take anybody into custody in the meantime, why did he not take all these people into custody? Why did the police leave these "suspecting five" free to roam over that house and collect incriminatory evidence against this woman, lying in a spare room in a mysterious, speechless swoon?

Was there ever such an unfair thing known?

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On Tuesday, the 14th, the police having at length received the sealed package found by Alice Yapp on Saturday, the 11th, submitted it, and the bottles found by these people on Sunday, the 12th, to Mr. Davies.

As regards any further *search* the evidence given was most meagre; indeed, the only reference I can find to it is in the evidence of *Superintendent Bryning* at the Trial, who said:—

Superintendent Bryning.

"On Monday, 13th of May, I went to Battlecrease House. It was by my direction that the pipes and drains were opened, and Dr. Humphreys was there and took samples of sediments and liquids from these. Those samples are described in the printed list." [See Appendix B.]

Further search.

No. 1.—Earthenware jar, containing sediment,
No. 2.— " "
No. 3.— " "
No. 4.—Glass jar, "

and, at the Trial, *Inspector Baxendale* said:—

Inspector Baxendale.

"On another day I found some other things in the house. I saw at Battlecrease House the collection of certain matters from the lavatory, the housemaid's closet, the butler's pantry, and the area. I saw all the articles in the printed list taken from the house. I also made a search at Mr. Maybrick's office. I took all the articles mentioned, found from time to time at Battlecrease House, to the analyst."

Now, I must refer my readers to that printed list. According to that printed list Alice Yapp found several of the things! The Jury were supplied with copies of it, and Mrs. Maybrick had a copy of it when in the dock, the original of which, with her notes upon it, is in my possession; and a copy of that printed list, with her notes written on it in the dock, will be found in the Appendix B. I shall at a later stage make some observations about that list, and about the way in which the police, in getting up a case against Mrs. Maybrick, thought proper to prepare it; but at present my object in referring to that list of upwards of 200 bottles and things sent to the analyst as the result of the search on the premises, is to point out that the following are the only things in which Mr. Davies found even *a trace* (and my readers will remember what Mr. Davies said he meant by *a trace*) of arsenic. I shall have to refer at a later stage to these things separately.

Taken on *13th of May.*

2.—Sediment in pan of water-closet.....a Trace.
4.—Sediment in trap of drain in area outside of house .....a Trace.

Drains.

No arsenic was found in the sink of the housemaid's closet or in the sink in the lavatory; and Mrs. Maybrick, having been lying in that mysterious swoon from the forenoon of Saturday, the 11th is the person least likely of all the inmates of that house to

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have put any arsenic into either the water-closet or the area outside the house.

18th of May—Found at Office.

See Food at Office incident.

Page 3, No. 27.—Pan, basin, and jug .....a Trace.

Now, I must remark upon this, that these things *were not found at the house at all, but at the office.* They are the vessels which James Maybrick sent his clerk out of his office to purchase on the 30th April, and in which he warmed up his luncheon at the office. If my readers will refer to Appendix B, they will also notice that while Mr. Davies, the analyst, received 26 different bottles and things from Inspector Baxendale *as found at the office*, and gave Inspector Baxendale receipts for them, he received this "pan, basin, and jug" from *Edwin Maybrick*, and gave a special receipt for them, which is worded in rather a singular way for an analyst. (See Printed List, Appendix B.)

"Pan, basin, and jug,
Received from Mr. Edwin Maybrick on the 18th of May, 1889, being the utensils used by deceased in his [Edwin's] presence."

There is also another bottle, in which a trace of arsenic was found. It is No. 3 under heading—

"List of bottles, &c., found in *Linen Room* at Mr. Maybrick's house on the 17th of May, 1889, by Sergeant Davonport."

No. 3. Small round bottle, no label, containing small quantity of light liquid .....*a Trace.*

Now, the finding of this by this policeman, is very remarkable. He found it on the 17th in an open place on top of a tray in that very same linen-closet in which Alice Yapp had found the packet of black powder, labelled, "*Poison. Arsenic for cats,*" on the 11th. It is inconceivable that the police did not search that linen-closet before this 17th, and it is also inconceivable that that bottle had been there before this 17th, when Sergeant Davonport found it! It must have been put there by some one between that 11th and that 17th!

In the Printed List (see Appendix B), there is also another bottle.

A bottle of Valentine's Meat Juice.....12-100ths of a grain.

This article appears in the Printed List, under a very remarkable heading—

"List of bottles, &c., found in the sitting-room at Mr. Maybrick's house on the 18th of May, 1889, by Inspector Baxendale."
"No. 7. Bottle of brandy, *received from Mr. Edwin Maybrick*, was removed from sick room at same time as poison. Bottle of Valentine's Meat Juice. Has been tampered with."

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Valentine's Meat Juice.

Now this bottle of brandy and this bottle of Valentine's Meat Juice, which are thus clubbed up together in this printed list, were not found in the sitting-room by Inspector Baxendale at all! *nor* were they found on the 18th of May! *nor* did he receive them from Mr. Edwin Maybrick! *nor* was the bottle of brandy removed from the sick room "at the same time as the poison" (whether that means at the same time as the Valentine's Meat Juice before death, or whether it means at the same time as the "store of arsenic" *after death*). The whole description is nothing short of a pack of lies, and my readers will not be surprised to notice that Mr. Edward Davies was careful not to sign that receipt for that list of bottles, &c., and that they are the only things he did not sign a receipt for in the whole of the Printed List! The bottle of brandy is the bottle which, at the suggestion of Nurse Gore, Michael Maybrick took from the sick room at *eleven o'clock in the morning* of Friday, the 10th, and which Michael handed to Dr. Carter on Friday evening to analyse, and which Dr. Carter handed to Mr. Davies, who found it free from any poison. And the bottle of Valentine's Meat Juice is the bottle which Michael Maybrick, at the suggestion of Nurse Gore, at *two o'clock in the afternoon* of Friday the 10th, took from the sick room, and which Michael handed the same evening to Dr. Carter, who found a "metallic deposit" in it, and which Dr. Carter then handed to Mr. Davies, who analysed a quarter of its contents (viz., 100 grains), and found 12-100ths of a grain of arsenic in it. Such a description of these things in the Printed List of the police is the most scandalous thing I have ever seen! From the beginning to the end of that description there is not one single word of truth in it, and I am not, and my readers will not be, surprised at seeing that Mr. Davies did not put his signature under that description! That was rather too much for Mr Davies! It is simply a scandalous misrepresentation, and one made by the police, for the purpose of creating prejudice against Mrs. Maybrick.

I will not make any comment upon the way in which Mr. Justice Stephen referred to the finding of arsenic on the premises under the circumstances in which it was found; I will merely quote his language. My readers are not a Liverpool Common Jury, and must form their own opinions about such language by a Judge presiding at a Criminal Trial. He says himself, when using it, that he "finds a difficulty in finding words *moderate* enough, and which would fully express my opinion." And that is precisely my difficulty: I cannot find words moderate enough, and, therefore, I will not comment upon his language:

"I must point out to you for one thing that there is one part of the case which is of a most remarkable character, and which has not been put to you as clearly as I could wish, but which I think it is your duty to carefully consider, and that is the question about poison. There is evidence about a very considerable quantity of poison in this house, and more particularly about one or two receptacles which were in the inner room, as it has been pointed out. Gentlemen, I think there was undoubtedly a large quantity of poison *of which it might be said with certainty* that Mrs. Maybrick had—I don't use the word possession, but to which she undoubtedly had access. The room in which the illness took place was the room which Mr. and Mrs. Maybrick used to occupy as man and wife. The inner room, to a certain extent, seems to have been used as a separate bedroom for Mr. Maybrick when he wished it; whether Mrs. Maybrick slept there except on special occasions, I don't profess to know; but there are in that room various things, and in particular there were two hat-boxes, which stood side by side (referring to a plan of the room). First of all there is the bed in the corner here, then here is a table, and here is another, table which stands before the window, and here is the place where the two hat-boxes were found of which I have been speaking. With that explanation and with some further explanation I shall give you as I go on, you will perhaps be able to understand."

Mr. Justice Stephen then proceeded to recount the different things containing arsenic in a most confusing and confused way. No human being could possibly understand his catalogue of them, but they will be all found set out in the Printed List of Articles prepared by the Police, and handed to Mr. Davies (see Appendix B), and he introduced comments upon them of this kind—for example, speaking of one bottle, he said:

"A saturated solution is a solution which has taken up as much arsenic as it can."

As to which definition of the phrase "a saturated solution," I have already adverted.

"With regard to that these questions arise. What was it for? and who was wanting such a strong solution? who put it there? and how was it to be used? These are questions in the solution of which I cannot help you. There is nothing definite to connect Mr. James Maybrick with it—certainly, if he was in the habit of arsenic eating, he would not keep it in quantities which he could not possibly use."

Now this is the bottle of "saturated solution" of arsenic, as to which Mr. Davies gave the following evidence:

Q. How much arsenic do you think there is in the bottle?
A. I daresay there may be, solid and liquid, perhaps two grains; to put it on the safe side, we will say there is a grain in the bottle.

So if Mr. Justice Stephen had quoted that evidence, the Jury would not have thought that his remark, "Certainly if James Maybrick was in the habit of arsenic eating, he would not keep it in quantities which he could not possibly use," contained words of wisdom, or even of common sense, because a grain of arsenic would not last an arsenic eater long.

I need not give further examples of Mr. Justice Stephen's comments on the list of articles found. They were not only confused and confusing, but they were themselves saturated with subtle suggestions against the prisoner, and all kinds of inaccuracies (see the instance given under the heading Glycerine). Mr. Justice Stephen wound up in these words, which I will not comment upon, but leave just as they stand, for the consideration of my readers:

"Now, gentlemen, you cannot exclude from the case the circumstance that a large quantity of different matters which I have mentioned—all of them more or less infected with arsenic—were found in the room and in the house, and in the places where Mrs. Maybrick continually was; and many of them I have lately mentioned to you. Several of them did certainly contain very considerable quantities of liquid saturated with arsenic. It is very difficult indeed to have to suggest why an ordinary person should require that quantity of arsenic in that kind of state, and I find a difficulty in finding words moderate enough, and which would fully express my opinion, but I should say that *a person is somewhat unfortunately situated*, who being supposed to have been guilty of poisoning her husband, with a large quantity of arsenic such as I have described to you, distributed about with a variety of articles *immediately under her command*, at the time when it was suggested that she did commit so horrible a crime. God forbid that I should suggest to you that there may not be any explanations of this circumstance, that they do not exclude doubt upon the subject of her guilt, because it plainly comes to that."

There is no concealed meaning in this, and Mr. Justice Stephen told the Jury he was struggling to find language "moderate enough to fully express his opinion." He did not indicate what explanations there might be. I will just tell my

readers, who have got before them the history of the "Search on the Premises," and the finding of this arsenic, how it was that Mrs. Maybrick was "somewhat unfortunately situated."

(1) None of it was found in any concealed place. It was all found in places "immediately under the command" of everybody in the house.

(2) None of it was found, or was known to have been in the house, before the death of James Maybrick, and was all found after death by five unfriendly persons, the "suspecting five," and by them only, and in the very suspicious way I have recounted, viz.:

Michael Maybrick.
Edwin Maybrick.
Mrs. Briggs.
Mrs. Hughes.
Alice Yapp.

(3) There was no evidence as to who had purchased the arsenic, or where it had all come from, or when it was brought into the house, or by whom, and I should like to know why the Police did not find out; and most certainly there was none that Mrs. Maybrick, at all events, could even have been able to obtain such a quantity of arsenic, even if she had wished to do so.

(4) Mrs. Maybrick had not been informed before she was taken into custody that anybody ever suspected her of poisoning her husband; but, on the contrary, Michael and Edwin Maybrick came to the house on the night of the 8th of May, and took the extraordinary step of deposing her from attending to her husband, and Michael Maybrick told her (to quote his evidence):

"I told her I had strong suspicions of the case. Then she asked me what I meant. I said my suspicions were that he had not been properly attended to, that he ought to have had a professional nurse and a second doctor earlier. She said she had nursed him alone up to that point; and who had a greater right to nurse him than his own wife? or words to that effect; I

cannot say the exact words. I then said I was not satisfied with the case, and that I would see Dr. Humphreys at once, which I did."

If Mrs. Maybrick had been poisoning her husband with arsenic, when so treated by this brother-in-law on Wednesday night, the 8th of May, she would not, as I think my readers will agree, have been likely to have left all this arsenic about unconcealed in that dressing-room, until the 12th of May, when it was said to have been found by these unfriendly people, and Mr. Justice Stephen need have found no difficulty, and my readers will find none, in suggesting that there may be explanations, which "do not exclude doubt upon the subject of her guilt" in the circumstance of the discovery of all this arsenic found in that house, at the time when, and in the circumstances under which it was found. However, Mr. Justice Stephen did not suggest any explanations; what he said are the words I have quoted, and I will not comment upon them because I need not. There was no concealed meaning in them, and a Liverpool Common Jury were quite able to understand what he wanted them to understand.

THE SEARCH IN THE CORPSE.

Search in Corpse.

The *first* search in the corpse was made at the post mortem on Monday, the 13th of April, by Dr. Humphreys, Dr. Carter, and Dr. Barron.

Dr. Humphreys.

The following is Dr. Humphreys' evidence at the Inquest on the 6th of June, concerning the post-mortem examination:—

Q. On Monday, the 13th of May, did you make a post-mortem examination on the body of the deceased?

A. Yes.

Q. And were you assisted in your examination by Drs. Carter and Barron?

A. Yes.

Post-mortem appearances.

Q. Now, will you describe what you found there in your post mortem?

A. Yes. The stiffness of death was pretty well marked. He was fairly nourished. Slight decomposition was beginning to take place in the abdomen. His face was placid. The pupils of the eyes were not dilated, nor contracted, but I should say medium in size, and the discolouration of death was also pretty well marked. On turning over to see the lividity, *some fluid came out of the mouth, and it was gathered up and put into a bottle. We found the sheets*

Search in Corpse.

stained with blood from the lower portion of the bowels. After making the incision into the abdomen, through the abdominal wall, we found about a quarter of an inch of fat or thereabouts, and when separating this we could see that the omentum had a good deposit of fat in it also. The bowels that were exposed by drawing aside the abdominal walls had a rosy flush here and there, and some portions of the bowels appeared a very dark blue, with the vessels seeming to run distinctly over this blue intestine. *The stomach, which was tied up at each end, and taken out with its contents, contained some dark chocolate-like fluid. This was put into a bottle.* On the stomach being opened we found that its larger end was red (rose red), and here and there amongst this large patch was a darker spot, which, after cutting through it, showed to be a little blood clot. Then, between this and the other end, was a clean surface without any redness at all; but between this surface and the pyloric end was another area of redness. The other side of the pyloric end, after going through a portion of the duodenum, showed that this redness continued in a transverse direction, and this extended three feet along the bowel. About twenty feet lower down, and extending for about two feet, there was a patch with another area of redness, but not so marked as those seen higher up. The gullet, the tongue, and the upper portion of the gullet were taken out and examined. The tongue was dirty and blackish. On the larynx there was nothing noticeable. Upon the upper portion of the epiglottis, and on its posterior aspect, there was a little area of redness about the size of a pin's head—a pretty good-sized pin's head. There was a small, very minute ulcer here—very shallow indeed—and a large portion of the epiglottis was eroded and rough, and this extended to the free margin of the epiglottis. A little lower down were also seen two little red spots upon each side of the larynx, and also upon the posterior surface of the cricoid cartilage; also a small area of redness. The rest of the gullet seemed natural, until we came to where the division of the bronchial tubes takes place. Here the mucous membrane was swollen, more or less yellowish, and not unlike a frog's spawn in appearance and consistence. The trachea showed nothing that would not have resulted from natural death. The lungs were natural, but the left cavity was full of old adhesions. The heart was brownish in section and fibre, and more or less soft, and the right ventricle contained a little clot. The various valves of the heart were normal, but the aorta presented some little pieces of atheroma, and one of the patches rather encroached upon one of the coronary arteries, but did not obstruct the flow of blood into it. The surface of the heart was covered with a pretty good layer of fat, and it seemed natural in size. The liver seemed natural in size, and to all appearances healthy. The spleen was dark-mahogany colour in section when cut, and seemed natural in size. The kidneys were both easily stripped of their capsule. They seemed healthy, and would appear to weigh five or six ounces. The brain seemed healthy throughout, and his arms and legs were good and pretty well developed. *I took portions of the viscera and placed them in jars which had glass stoppers, and were sealed. I handed the jars and bottles to Inspector Baxendale. Five or six ounces of the liver were taken, as well as the stomach and intestines. The bottles and jars were numbered. The contents of the stomach were put into No. 2.*

Dr. Carter.

Dr. Carter, in his evidence at the Inquest, said:—

"Dr. Humphreys's statement is absolutely correct.

Mr. Pickford: You say what he said was quite correct?

A. Quite so. I think I ought to add that I asked that *a small quantity of the heart muscles* should be procured; and that *was done later in the day.* don't think Dr. Humphreys mentioned that.

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The Coroner: He did not.

A. *That was done for microscopical examination.*

Q. Is there anything else you wish to add to what has already been given by Dr. Humphreys?

A. No, sir, I think not—with this exception, *I thought that a small portion of the kidney was sent*, which appears not to be the case. I think it necessary to add that Mr. Davies did not have it. *I thought it was sent, but it appears not to have been.*

A Juryman [to Dr. Humphreys]: What induced you to make the post-mortem examination?

A. I did so by order of the Coroner.

Mr. Pickford: That would be necessary, having no certificate of death.

The Coroner: The death was reported to me, and I at my discretion ordered a post mortem examination to be made by Drs. Humphreys and Carter. In order to clear up this point, I may point out that this was due *in consequence of a communication received by me.*

Mr. Pickford [addressing Dr. Humphreys]: The jurymen seem to wish to know how the post mortem was made. I think what took place was this—*that a suggestion was made by reason of which you suspected some irritant poison.* Then you declined to give a certificate of death, and it became necessary to have the cause inquired into?

A. *I refused to give a certificate of death because arsenic was found on the premises.*

Q. *Oh! from a certain communication made to you?*

A. *Yes.*

So that this Dr. Humphreys, who had been attending the deceased during his illness, refused a certificate because he had received some communication that *arsenic had been found on the premises!* That is an odd reason for refusing a death certificate! There are very few houses where arsenic or some other poison may not be found on the premises! Now why did not the Coroner—why did not Mr. Pickford—ask Dr. Humphreys to tell this Coroner's Jury what the communication was, who made it, and when it was made to him? That is precisely the sort of evidence which the institution of Coroner's Inquest affords an opportunity for giving! Dr. Humphreys.

No arsenic had been found on the premises or in anything till after death!

Perhaps Dr. Humphreys' want of experience in matters appertaining to deaths from arsenic may account for his refusing a death certificate, because some one had told him that arsenic had been found on the premises! He said at this Inquest:—

Q. I think you did tell us you had no personal experience of a case of arsenical poisoning?

A. I have no personal experience.

Q. Or of any irritant poison?

A. Or of any irritant poison.

Anyhow, the only explanation Dr. Humphreys had for refusing a death certificate was that some communication had been made to him that arsenic had been found on the premises; and I should like to know, and the Jurymen should also have liked to know, who told him so? and when? and all about such an important communication, that it made him on that ground refuse a certificate of death.

Search in Corpse.

[NOTE.—*Although to an ordinary person it may appear to be a mere repetition of Dr. Humphreys' evidence of what was done at the post mortem, especially as both Dr. Carter and Dr. Barron said in their evidence it was "absolutely correct," I think it best to set out here a description of the post mortem, which for some reason, Dr. Carter has thought it necessary to publish in his article in the Liverpool "Medico-Chirurgical Journal," in lieu of this evidence of Dr. Humphreys which at the Inquest he said was "absolutely correct." My medical readers may find some differences in it which will explain why Dr. Carter has published this version of it. I must leave that to them. I notice, for example in Dr. Carter's version, nothing is said about* decomposition *having commenced to take place, although Dr. Barron informs me that decomposition had in fact set in before even the post-mortem examination, and that both Dr. Carter, Dr. Humphreys, and himself noticed it at the time.*

Dr. Carter.

I must, however, leave this to my medical readers, but my general readers will, no doubt, think it strange that Dr. Humphreys, who had had no personal experience "of a case of arsenical poisoning" or "of any irritant poison" should not have used verbatim these notes of the post mortem, which had been so carefully prepared for him by Dr. Carter and agreed to by Dr. Barron, if the copy of them had been supplied to him by Dr. Carter by that time, instead of venturing on a description of his own of this post mortem.

NOTES OF POST-MORTEM EXAMINATION OF THE BODY OF MR. JAMES MAYBRICK.

Post-mortem appearances.

Death at 8-30 p.m., on May 11th, 1889.

Examination 5 p.m., May 13th, 1889. Interval 44½ hours.

Rigor mortis moderately developed. Features calm. Pupils equal diameter, about 3 mms. Post-mortem lividity over lower limbs, back and groins. A bloodstained discharge from the anus marked the sheet on which the body lay. On turning the body in order to observe this and the back, *a great discharge of dark coloured fluid took place from the mouth.* There is the square mark of a blister (about 4 inches by 3 inches) on the skin covering the epigastrium. Abdomen somewhat distended over side of transverse-colon. The right hand had the dead-white hue up to the knuckles which it presented during the last two days of life.

On making a longitudinal linear incision along the front of the chest and abdomen there was found to be a deposit of fat, under half an inch in thickness, in the abdominal walls, and rather above the average of fat in the omentum. Muscles of chest-walls appeared normal. The cartilages of the first ribs, right and left, were alone ossified. The remaining rib-cartilages were normal. On drawing aside the incised abdominal walls, so as to expose the contents pretty fully, moderately diffuse rose-red blotches were observed on the outer surface of the intestines, and a much darker and intensely injected appearance on the outer aspect of the lower two feet of the ileum, with a slaty-blue colour along the line of the blood-vessels.

Chest: Considerable, but not universal, old adhesion of left costal and left pulmonary pleuræ, mostly posterior and lateral; adhesion extends to diaphragm.

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Right lung non-adherent. Pleural cavity (right) contains about five liquid ounces of blood-stained fluid.

Lungs crepitant and healthy throughout.

Heart: Pericardium contained a little blood-stained fluid. Heart, slight excess of fat on the exterior surface; right ventricle contained a small clot; left ventricle empty.

Muscular structure brownish in hue, soft. Valves, quite sound; slight commencing atheroma of the aorta, involving the commencement of one coronary (the anterior) artery, but not obstructing the blood flow. Aorta otherwise healthy.

Œsophagus, pharynx, and tongue were removed together. Œsophagus tied at from two to three inches from the stomach. Tongue: Mucous membrane blackish. Pharynx: An area of vascular injection at the upper part on each side, more marked on left. From this to middle of œsophagus no abnormal appearances. Below the level of the bifurcation of the trachea there was an olive-brown colour and gelatinous frog spawn-like consistency of the mucous membrane, increasing in intensity towards the stomach.

Epiglottis: On the posterior surface, at a quarter inch from its upper margin, there was a red area, quarter-inch transversely by one-eighth inch vertically. Much of this surface was superficially eroded. There was an area of vascular injection on the mucous membrane covering the back of the cricoid cartilage at its outer part.

Trachea: Ordinary post-mortem staining of the mucous membrane; green at lower part.

Post mortem appearances.

Stomach and Duodenum: The duodenum was tied at the lower part of the second portion at about five inches from the pylorus. The dark brownish fluid contents of the stomach, about six fluid ounces in amount, were placed in jar No. 2.

The mucous membrane of the posterior surface and greater curvature of the stomach was intensely injected, and of a bright vermilion colour. The area of vascular injection was somewhat more extensive posteriorly than anteriorly, and was marked by a submucous hæmorrhage about the size of a threepenny-piece. The intermediate portion, between the greater curvature and a space two inches from the pylorus, was tolerably free from injection, being only marked by small spots of brilliant arborescent vascularity here and there. The mucous membrane, from two inches from the pylorus up to that orifice, was marked by an intense vascular injection, similar to that of the greater curvature.

Duodenum: For the first three inches its mucous membrane had a tolerably normal appearance, but from the point of entrance of the common bile-duct onwards (*i.e.*, from its commencement) it was intensely injected, the vascularity being disposed in transverse lines.

Liver: Its upper surface was marked by a post-mortem stain. On section the cut surface had a brownish hue. Texture apparently normal. Of average size and weight. Vessels healthy.

Gall Bladder somewhat distended with dark, fluid bile.

Spleen: Weight from five to six ounces. Slate-coloured externally; soft, pulpy, and of a dark mahogany colour internally.

Cæcum moderately distended with flatus, and transverse colon greatly so. The mucous membrane lining these portions of the intestine presented no unusual appearance.

The upper part of the jejunum was marked by the same intense vascular injection as was seen in the lower part of the duodenum, with which it was continuous. The abnormal vascularity gradually diminished in intensity, and disappeared at a distance of two feet from the commencement of the jejunum.

Ileum: At about three feet above the ileo-cæcal valve, and again at about six inches from the same valve, the mucous membrane of the ileum was marked by several hæmorrhagic spots.

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Rectum: The mucous membrane of the lower four or five inches was marked by increase of vascularity. Less marked than that of the stomach and duodenum.

Kidneys: Weight about five or five and a half ounces each; appearance and texture healthy. Bladder empty.

Brain: Quite normal throughout.

Measurements: Middle of upper arm, right, nine and a half inches; left, nine and a half inches; Mid-calf, right, eleven and three-quarter inches; left, twelve inches. Mid-thigh, sixteen and three-quarter inches.

Such is the account of the post-mortem appearances agreed upon as representing faithfully what was seen by those who were responsible for the record. The work of dissection was for the most part carried out by Dr. Barron (who appeared on behalf of Mrs. Maybrick) and Dr. Humphreys; the notes being written by myself. The notes being chiefly dictated by Dr. Barron, and being agreed to, were taken down at once; but, occasionally, as with the morbid appearances of the stomach, we discussed the matter before any entry was made, and then decided upon the description that, in the opinion of all three, seemed most accurate. The notes were written in pencil at the time, and copies subsequently made and forwarded to Dr. Humphreys and Dr. Barron. The only part which I actually took in the work of dissection was to commence the proceeding required for removing the brain.

In his evidence at the Trial Dr. Humphreys said:—

Q. *You have never assisted at a post-mortem examination of any person supposed to have died from arsenical poison?*

A. No.

Q. I think I might also ask whether you have ever assisted at a *post mortem* where it was alleged that death had been due to irritant poisoning?

A. No.

Dr. Humphreys being such a novice would naturally have used these notes of Dr. Carter's verbatim *when giving his evidence about this* post mortem. *Dr. Carter, however, I observe, does not say* when *he supplied Dr. Humphreys with a copy of them, so he probably had not got it then. However, here they are as published by Dr. Carter in the "Liverpool Medico-Chirurgical Journal," and my medical readers will better appreciate than I, or the general reader can do, any differences or modifications there may be in them to the evidence of Dr. Humphreys at the Inquest, which Dr. Carter said was "absolutely correct."—A. W. McD.*]

Then as to the exhumation.

Exhumation. Mr. Davies.

Mr. Davies' evidence at the Trial as to the exhumed parts of the body is:—

"After Mr. Maybrick's body was disinterred, I made a determination of the amount of arsenic in the liver. That was on June 3rd. I received a large stone jar containing the kidney, part of the liver, part of the heart, of the scrotum, the femur, the sternum, the lungs, and part of the pelvic bones. This was given me by Inspector Baxendale. I distributed the contents of this jar into *six other jars*. Then I tested the kidneys. I took four ounces and found arsenic, but did not get it *sufficiently pure to enable me to weigh it*. I *estimated* the amount at about 1-100th part of a grain. I took six ounces of

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the liver, but, *owing to the presence of a large quantity of bismuth*, found it difficult to get the article *sufficiently pure to weigh*. In purifying I lost a considerable part. *I weighed two 1-100ths of a grain*, which would be *equal to* about 1-8th of a grain. This was the minimum quantity, there was certainly that—I believe more. The liver weighed about three pounds. I analysed the *pelvic bones*, but could *not detect any arsenic*; nor could I do so in the lungs and heart—I mean that I did not get that clear and distinct evidence that would satisfy me, although there might be indications."

Sir Charles Russell: Now I want to follow this out, please. You found arsenic in the liver?

A. Yes.

Q. And *a trace* in the intestines?

A. Yes.

Q. And *a trace* in the kidneys?

A. I found a very *distinct trace* in the kidneys.

Q. Now, having found arsenic in the liver, and *traces* in the intestines and kidney, I want to enumerate what parts of the body you found *no traces. You found none in the stomach?*

A. No.

Q. *Nor in the contents of the stomach?*

A. *No.*

Q. Nor in the spleen?

A. No.

Q. *Nor in the fluid which escaped when the body was turned over?*

A. *No.*

Q. Nor in the heart or lungs.

A. No.

Q. In consequence of the presence of bismuth you had a difficulty in getting your quantitative analysis of what remained in the liver?

A. Yes.

Q. But you got two 1-100ths of a grain of sulphide of arsenic?

A. Yes.

Q. Have you got it with you?

A. No. I converted it into arsenic acid.

Q. Well, have you got that?

A. No. I converted that into arsenite of silver.

Q. Have you that with you?

A. No. I have not brought it.

Q. You can bring it to-morrow, I suppose?

A. Yes, but it has turned black now.

Q. I would like to ask you one question more. You have quite candidly told us what would be the entire quantity in the entire liver from the fractional portion you dealt with?

A. *What I found would amount to ½th of a grain.*

Q. *But you did not find ½th of a grain; you found two* 1-100*ths of a grain of sulphide of arsenic?*

A. Yes.

Q. *And, assuming that the arsenic was distributed equally*—taking the whole weight of the liver—*supposing it was distributed equally over the entire liver, it would amount to ½th of a grain?*

A. Yes; but I believe there was more than that.

Q. That was the actual quantity that you were aware of?

A. Yes; but I believe there was much more.

Q. Did you not get the second test after the body was exhumed?

A. The first was too small to serve for a quantitative analysis.

Q. From that you drew no conclusions?

A. I do not know.

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The result then of Mr. Davies's search for arsenic in the body, both of the portions of the body selected at the *post mortem* and at the *exhumation*, is that he found—

A trace in the intestines,

A distinct trace in the kidneys, and

Two $\frac{1}{100}$ths (or $\frac{1}{50}$th) of a grain in the liver,

from which he calculated that, as he had obtained these two $\frac{1}{100}$ths from six ounces of the liver after exhumation, there must, by *supposing* the arsenic to be evenly distributed throughout the whole liver, which weighed 3lb. or 48 ounces, be $\frac{1}{8}$th of a grain in the whole liver. Well, I very much object to *supposing* anything in analytical science. It is a very exact science. It deals with the thousandth part of a grain of arsenic and such like things, and I do not choose, at all events when a fellow-being's life is at stake, to recognise the right of any analyst to get up into the witness-box and *suppose* anything.

"Suppose."

I might just as well *suppose* that the arsenic was not evenly distributed as to *suppose* it would be evenly distributed throughout the whole liver; in fact, I think it would be even more reasonable to *suppose* that it would not be than that it would be—for *suppose* a man took arsenic one day, and it took a certain number of days to evenly distribute itself over the whole liver, and that on one day it would not be evenly distributed and the next day it would. An analyst, at all events, has no right to *suppose* anything. He has got a very exact science to illustrate, and every means of illustration at his command—microscopes, which will make the millionth part of a grain of arsenic *visible* to his eye! and weighing apparatus, which will enable him *to weigh* the thousandth part of a grain! How dare an analyst go into the witness-box to speak of any matter relating to analysis upon which the life of a fellow-being depends, and utter that word *suppose*? And when one talks about "supposing" anything about how arsenic distributes itself, it is something absolutely shocking to hear such a word as "supposing" pass the lips of an analyst on such an occasion!

[NOTE.—*Dr. Tidy and Dr. Macnamara have recently published a "Toxicological Study" on the Maybrick Case, which deals exhaustively with this question. They say: "The fact of the extremely unequal distribution of arsenic in the liver after death by arsenic, whatever may be the precise explanation, is beyond all question"; and they refer to a recorded case, "where in a liver containing 52 ounces, 10 grains yielded 0·5 grains of arsenic, whilst the analysis of the whole liver only contained 1 grain."—A. W. McD.*]

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Mr. Davies has told us what he means when he uses the word *trace*—viz., that it is something less than 100th of a grain, and that he should not consider anything under 100th of a grain satisfactory, and could not guarantee its being absolutely free from other things; so when he says he found *a trace* in the intestines—indeed, at the Inquest he said he only found a "very, very minute quantity"—we know that he means by that, that he had found something which he could not guarantee! and then again he has told us what he means when he uses the words "distinct traces":—

"If I say distinct traces, I should say it meant something between 100th and 1,000th part of a grain; while a 'minute trace' is less than 1,000th part."

So that when he says he found a "distinct trace" in the kidneys, we know that he also means that he found nothing there which he could guarantee! So that it comes to this (leaving his "supposings" out), that though he had the whole liver sent to him for analysis, all he actually found which he could guarantee—as the result of his search for arsenic in all the parts of the body, which were selected both at the post mortem and the exhumation—was two of these 100th parts of a grain, and, moreover, that he found them in the form of sulphide of arsenic!

Now, two of these 100th parts of a grain is a very microscopical amount; and I should like to refer my readers, when trying to contemplate how small such atoms are, to the language of Dr. Stevenson, where he says (see "Taylor's Principle and Practice of Medical Jurisprudence," Vol. I., page 277):— Dr. Stevenson.

"The value of chemical evidence does not depend upon the discovery of any particular quantity; but the evidence of its presence should be clear, distinct, conclusive, and satisfactory. At the same time, a reasonable objection may be taken to a dogmatic reliance upon the alleged discovery in a dead body of *minute fractional portions of a grain.*"

I take that *reasonable objection to these minute fractional portions of a grain*—viz, those two 100th parts of a grain, which is all that Mr. Davies found in the whole of the parts of the dead body which were sent to him for analysis, *both as taken at the post mortem and the exhumation;* and I am not going to "suppose" anything. There is, however, one remark I must make as to this "supposing" that arsenic was *evenly distributed* over the whole liver; there Mr. Davies said he had found after the *exhumation* these minute fractional parts—two 100ths in six ounces—from which he calculated. But Mr. Davies had received 6 ounces 100 grains of the liver taken at the *post mortem*, and having analysed some of this, he said:—

"I had only three ounces left, and I did not make any further experiments till afterwards"—[viz., after the exhumation].

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Now, if the arsenic had been *evenly distributed*, he would have found exactly one 100th in the portions he analysed after the *post mortem*. But he did not find it—on the contrary, he found *no weighable arsenic* then. (I shall presently want to know what became of the rest of the 3lbs. of liver which Mr. Davies "supposed" about.) But first I will set out Dr. Stevenson's evidence at the Trial of what he found in the portions of the body, both those taken at the *post mortem* and at the *exhumation*, which were subsequently sent to him.

Inspector Baxendale.

Inspector Baxendale said in his evidence at the Trial :—

"I was present at the exhumation of the body, and at the second examination I received certain portions of the viscera, which I took to Mr. Davies. *I afterwards received from him some jars, and on the 22nd July I took them to Dr. Stevenson, at Guy's Hospital*, they were in the same state as that in which I received them."

Dr. Stevenson.

And Dr. Stevenson said :—

Q. Did you receive, on the 22nd July, certain articles from Inspector Baxendale, and from Mr. Davies?

A. I did.

Q. You analysed and returned them to Inspector Baxendale on the 30th of July.?

A. I did.

I presume it must be assumed from these answers that Dr. Stevenson personally conducted the analysis, but it would have been more satisfactory if the question had been specifically put to him, because it is a matter of common notoriety that in the case of analysts occupying so high a function as that of Crown analysts, it is not always the case that an analysis made in their laboratories is actually personally conducted by themselves.

Q. Can you tell me from your notes, in your own way, exactly what you received—what parts of the body—and what you found?

A. I received eleven vessels, of which I examined and analysed five only. In one of these vessels which I examined, there was a quantity of the *contents of the stomach. I analysed that, and found no arsenic in two ounces of the fluid.* Another vessel contained *portions of the stomach.* They were decomposed, but I could see that the mucous membrane was thickened and had been inflamed. I analysed one ounce, but *I could not detect any arsenic or other poison in it.* Another vessel was labelled as containing the intestines and the spleen. I took some of the bowels, and by a preliminary examination I found they contained arsenic and bismuth.

The Judge: What about the jar labelled intestines and spleen?

A. The spleen had liquidated by decomposition, and I could not find it. I made a preliminary examination, and found arsenic and a metal which I believed to be bismuth. I then took eight ounces of the intestines, and I extracted from that portion arsenic and bismuth.

Q. What was the quantity found?

A. The quantity of arsenic in the eight ounces was ·015 of a grain—expressed as white arsenic.

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Q. What proportion did you find of bismuth?

A. The bismuth in the eight ounces of intestines corresponded to 1½ grains of sub-nitrate of bismuth—the ordinary medicinal preparation.

Q. Is there any difficulty, speaking from your chemical experience, in distinguishing bismuth and arsenic.

A. No, there is not.

I will just remark here that Mr. Davies, who had examined these intestines, had found no bismuth, and that he had in one ounce of the intestines found only "very, very minute traces of arsenic," and had said, "I doubt whether I could have succeeded in getting any weighable quantity of arsenic *from any manageable portion of the intestines.*"

Truly, if analysis is an exact science, analysts themselves differ very much in the results they obtain from that science!

Then Dr. Stevenson went on—

Q. That is all we will say about that jar. Pass on to the kidneys.

A. Another vessel contained a portion of kidney—one ounce of which yielded evidence of *the presence of arsenic.* The quantity of arsenic was distinctly revealed by test, *but sufficient was not obtained from one ounce to admit of accurate weighing.*

Q. You pass on from that to the liver.

A. The liver was contained in two vessels. *One contained* a small quantity—*the one taken at the original post-mortem examination, I believe. That I did not analyse, as it was too small.*

Q. What quantity was there?

A. The whole of the liver in the two vessels was 28 ounces.

Q. In the part you analysed how much?

A. I made a preliminary experiment with *one ounce,* and obtained evident *presence of arsenic.* I then made a separate analysis for the quantity. *I took four ounces,* and by a process which would extract bismuth by distillation, obtained a quantity of arsenic.

Q. You said four ounces of liver. What is the entire liver?

A. I heard in the evidence of those who made the post mortem that the whole weight was three pounds or 48 ounces.

Q. *There was about one-third of a grain for the whole liver?*

A. Yes.

Q. Did you try the alternative test?

A, I did.

Q. What was that?

A. By a process known as the chlorate process, I obtained both arsenic and bismuth from *eight ounces of liver. The quantity of arsenic expressed as white arsenic was* ·049 *of a grain or* 49-1,000ths *of a grain from the eight ounces.* That would *correspond* to ·29 or 29-100ths of a grain for the whole liver, and very nearly the same quantity as in the previous case.

Q. And the bismuth from the eight ounces. You told us the way by which you separated and determined it?

A. *Its areas corresponding to a grain of bismuth for the whole liver.*

The Judge: Just tell me how much?

A. One grain.

Mr. Addison: What does this result in in your mind?

A. *That the body at the time of death probably contained a fatal dose of arsenic.*

Search in Corpse.

In cross-examination, Dr. Stevenson said :—

Q. In this case you found in the kidneys *traces* of arsenic, I think ?

A. I got distinct evidence of arsenic.

Q. When I speak of *traces I mean a weighable quantity.*

A. I had not enough kidney to act upon.

Q. I really think you ought to answer me. As a matter of fact, did you find a *weighable quantity* ?

A. *No, and I did not attempt to, for the reason that I had not enough kidney. I tried one ounce, or about one-sixth of one kidney.*

Q. Now where you did find a *weighable* quantity was in the liver ?

A. The liver and intestines.

Q. Now I want to call your attention to this point. You have stated to Mr. Addison that you found rather more proportion of arsenic than Mr. Davies ?

A. Yes.

Q. It is a fact, is it not, that in the order of the human frame, the kidneys, the intestines, or the liver, you do not find the arsenic to be evenly distributed ?

A. In the liver it is pretty well distributed, as a rule. I guarded myself against that.

Q. I assure you there is no occasion to use the word "guarded."

A. I guarded myself against it by making—

Q. There is no occasion to use the word "guarded." There is no suggestion of a mistake.

A. Very well, I will withdraw the word "guarded." But I will say that I had this in view.

Q. You had only a portion of the liver ?

A. The main portion.

Q. How many ounces ?

A. Twenty-eight out of forty-eight.

Q. You took a portion of some various parts of the liver ?

A. I did.

Q. Did you macerate the whole mass in one bulk, and then take a part of it ?

A. No, I reserved a portion of it.

Q. Now it is not very important, but I would ask your attention to this—to the statement you have already made. As I now understand it, you say it was four ounces of the liver you took and subjected it to hydrochloric acid and subsequent treatment, and you discovered 27-1,000ths ; is that correct ? Just look at your book.

A. I gave you the quantity of the substance actually weighed. Shall I give you that ?

Q. Did you give 27-1,000ths as the quantity discovered ?

A. Yes, I did.

Q. Was not your original calculation 26-1,000ths ?

A. It was, or thereabouts.

Q. Now, in the next experiment on the eight ounces, was not your original statement ·046 ?

A. I think it was ·047. I measured very carefully, and I think the difference is immaterial ; by using more accurate figures it comes out a little different, but I attach no great importance to such decimal figures.

Q. What do you say about the actual weighable quantity of arsenic which you obtained ?

A. What organ do you want ?

Q. The liver. What was the actual weighable quantity you have obtained ?

A. The quantity obtained from four ounces of liver was ·034 of a grain of the yellow sulphide of arsenic.

Q. How much white arsenic ?

A. The 26th or 27th of a 1,000th.

Q. Now in the 8 ounces how much did you obtain?

Search in Corpse.

A. I got ·026 of a grain of white, and ·061 of the sulphide.

The Judge: You say that in the other or larger portion of the liver—8 ounces—there were ·049. That was the amount in 8 ounces of liver, and adding the two together you get ·076 of a grain in 12 ounces of liver. In the 8 ounces was ·061 of yellow sulphide?

A. Yes.

Sir C. Russell: The result, therefore, of adding the two parts together—the 4 ounces and the 8 ounces of liver—is that you get 72 or 76-1,000ths of a grain?

A. Yes.

Q. And in the intestines?

A. The intestines yielded ·015 of a grain of yellow sulphide.

Q. That would be 15-1,000th parts of a grain?

A. Yes.

Q. Adding, therefore, the whole together, the 72 or 76 whichever is the correct figure, it would be eighty-seven two-ninety-one thousandth part of a grain?

A. Yes, from the small fraction of viscera operated upon.

Q. Now we learn that there was none in the stomach, none in the contents of the stomach, and none in the bile?

A. I have not heard of the bile.

Q. I think so. You heard the evidence?

A. The bile may have been mentioned, but I don't remember hearing it.

Sir Charles Russell (turning to Mr. Addison): I think so.

Mr. Addison: Sir Charles Russell is quite right.

Q. None in the bile; none in the fluid from the mouth?

A. No. The spleen you are not able to distinguish from the rest of the matter, on account of its getting into a fluid state.

Q. Nothing in the heart or lungs?

A. No.

Q. Did you try in the heart or lungs?

A. No.

So that the total result of the search for arsenic in the body, both of the portions selected at the post mortem and at the exhumation, taken together, was that Mr. Davies actually found of weighable arsenic $\frac{2}{100}$ths of a grain in the liver, and Dr. Stevenson $\frac{76}{1000}$ths of a grain in the liver and $\frac{15}{1000}$ths in the intestines, which being added make what was found by Mr. Davies and Dr. Stevenson put together amount to about 1-10th of a grain, made up of "minute fractional portions of $\frac{1}{100}$ths and $\frac{1}{1000}$ths!!"

Arsenic found in body.

And the extraordinary part of the evidence of this pair of analysts is that in this exact science they don't agree with each other in anything. Mr. Davies found in *six ounces of liver* $\frac{2}{100}$ths of *sulphide of arsenic*, and by "*supposing*" the arsenic to be *evenly distributed* all over the liver of 3lb., came to the conclusion that there must be $\frac{1}{8}$th of a grain in the whole liver; while Dr. Stevenson found $\frac{34}{1000}$ths of *sulphide of arsenic* (equal to $\frac{27}{1000}$ths of a grain of white arsenic) in four ounces! and in another eight ounces Dr. Stevenson found $\frac{61}{1000}$ths of sulphide of arsenic and $\frac{26}{1000}$ths of white arsenic. And he, too, although he "guarded

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himself (fancy Dr. Stevenson taking up the attitude of a fencer in the witness-box at a trial for murder! but it is his own word, "guarded" himself) from committing his scientific reputation against saying that arsenic would necessarily be *evenly distributed* throughout the liver—said that, by "supposing" it was, there would be $\frac{1}{3}$ of a grain for the whole liver!

Then, again, as to the intestines. Mr. Davies found "a very, very minute trace," and did not think he could obtain any weighable quantity in any manageable portion of the whole intestines; while Dr. Stevenson found $\frac{15}{1000}$th parts of a grain!

Which of these pair of analysts is the better analyst? appears to me to be the only question which can arise out of this search for arsenic in the body.

Was there ever such an exhibition of the inexactness of an exact science?

Ought Liverpool Common Juries to be called upon to decide scientific conundrums of this kind in matters affecting the life of a fellow-being?

But I do not think we ought to let the "search for arsenic" in the body rest there.

Dr. Stevenson made two remarkable statements at this Trial.

When asked whether he could point to any symptoms during life by which a doctor could diagnose a case of arsenical poisoning, he made the following answer. Dr. Stevenson, besides being an analyst, and a Crown analyst, is also a physician, and a lecturer on forensic medicine and chemistry at Guy's Hospital, a toxicologist, and I know not what besides, and it is positively alarming to hear him say—

Diagnostic symptom.

"There is no distinctive diagnostic symptom of arsenical poisoning. The diagnostic thing is finding the arsenic."

This explains why Dr. Carter and Dr. Humphreys, notwithstanding the suggestions of arsenical poisoning by Michael Maybrick, should have been attending James Maybrick through his illness without being able to diagnose the case as one of arsenical poisoning, notwithstanding the suggestions made to them and the suspicions that were pressed upon them.

"There is no distinctive diagnostic symptom of arsenical poisoning. The diagnostic thing is finding the arsenic."

This explains why Dr. Humphreys should have refused a certificate of death because some arsenic had been found in the house *after death.*

"I refused to give a certificate of death because arsenic had been found on the premises."

What could those doctors do?

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"The diagnostic thing is finding the arsenic."

And accordingly, Dr. Stevenson, having found some "minute fractions of arsenic" in the exhumed body of this man, who had a "habit of dosing himself," was able to diagnose the case, and says—

"There is no distinctive diagnostic symptom of arsenical poisoning. The diagnostic thing is finding the arsenic."

And—

"I have found $\frac{1}{100}$th parts of a grain in the liver, and $\frac{1}{100}$th parts of a grain in the kidneys."

And having found this diagnostic thing, Dr. Stevenson, in reply to questions put to him, said—and said in the witness-box at a Trial for Murder—

Q. What does this result in in your mind?
A. That the body, at the time of death, *probably* contained a fatal dose of arsenic.

And, in reply to another question—

Q. Have you formed an opinion upon it?
A. I have.
Q. What do you say, doctor?
A. I have no doubt this man died from the effects of arsenic.

The newspaper reporter when reporting this answer adds, in parenthesis—sensation.

Well, I think my readers will feel some "sensation" at such an exhibition of dogmatism in the witness box.

Some very important questions arise out of this "search for arsenic in the body," questions which must not be left unanswered. If what Dr. Stevenson has said is true—

"That the body at the time of death probably contained 'a fatal dose of arsenic'"—

why did not the Crown before putting this woman upon her trial find it? The body was in possession of the Crown. The country spares the Crown no expense in investigating the circumstances connected with the death of any person for whose death the doctors have refused to give a certificate. But that is not all. Why, when Dr. Stevenson, a Crown analyst, made that sensational statement, did not Mr. Justice Stephen stop the trial until that fatal dose which was "probably" in the body at the time of death was found, and why is the body not exhumed now, and that "fatal dose" which was "probably" there, searched for? Why did he permit the Crown to expose this Liverpool Common Jury to such

Search in Corpse.

a conundrum, and throw the question of the life and death of this woman upon their capacity to find an answer to such a scientific conundrum? Lord Justice Bowen, only a short time before, had refused to allow the Crown to put a somewhat similar "scientific puzzle," as he called it, to a jury sitting at a criminal trial, and had stopped the case.

If any more arsenic than the $\frac{1}{10}$th of a grain was there at the time of death, it is there now. Arsenic does not evaporate. During life it passes away through the evacuations and through the tissues of the skin into the bed-clothes or elsewhere, but after death it remains in the corpse. If it was there at the time of death it is there now.

Dr. Stevenson himself says ["Taylor's Principle and Practice of Medical Jurisprudence." Vol. I., p. 278]:

Arsenic remains in the body.

"If a person has died with arsenic in the body, there is scarcely any limit to the period at which it may be detected."

In Alice Hewitt's case (1863), the medical man signed a certi-certificate of death, as gastro enteritis, and eleven weeks after death the body was exhumed, and 154 grains of arsenic were found in the stomach alone!!

Herepath found arsenic after eight years' interment! and Glover after twelve years' interment!

Why does not the Crown have this body of James Maybrick exhumed now, instead of keeping this woman in prison, and let some independent analyst ascertain whether there is any foundation for this sensational statement by the Crown analyst—

"That the body at the time of death *probably* contained a fatal dose of arsenic"?

Dr. Barron.

[NOTE.—*Moreover, Dr. Barron informs me that "the mere finding a fatal dose of arsenic in the tissues of a body after death is no evidence whatever that the death was due to arsenic, since in cases of skin disease or phthisis treated with arsenic for some time, much more than a fatal dose may be present in the* body *without any symptoms of arsenical poisoning being present, and were death to occur from any cause during such treatment such a quantity would be and has been found* post mortem." *If this be so, the finding of arsenic in the* body *even to the extent of more than a fatal dose would not be "the diagnostic thing" after all!—A. W. McD.*]

Where is rest of liver?

There is yet another question. Some minute fractional parts of a grain were found in the liver. That liver weighed *3 lbs.*, or 48 ounces. Only a small portion even of that was analysed, and calculations (both different) as to what the whole liver might be "supposed" to contain were made by this pair of analysts, Mr. Davies and Dr. Stevenson. That liver—those *3 lbs.* of liver—was

handed by the police to Mr. Davies. What has become of the rest of it? Mr. Davies says he analysed half an ounce and then 6 ounces; and Dr. Stevenson analysed 4 ounces and then 8 ounces; total 18½ ounces. That leaves from the 48 ounces some 30 ounces still unaccounted for. The whole liver was handed to Mr. Davies, what did he do with it? If he analysed these 30 ounces that remained he would have been guilty of criminal suppression if he kept back from the Jury the result of his analysis. If he did not, the Crown has been guilty of culpable negligence in not having it analysed, to see whether Mr. Davies was right in "supposing" arsenic was equally distributed throughout the whole liver, a "supposition" to which the other analyst, Dr. Stevenson, "guarded" himself from committing his scientific reputation!!

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The medical men, Dr. Humphreys, Dr. Carter, and Dr. Barron, who had performed the post-mortem examination, came to the conclusion, from the post-mortem *appearances* of the body, that the cause of death was—

Dr. Humphreys' evidence at the Inquest:—

Dr. Humphreys.

"The post-mortem appearances were consistent with arsenical poisoning.
"The actual cause of death was exhaustion set up by *an irritant poison.*
"The post-mortem appearances were consistent with metallic irritant poisoning.
"The post-mortem appearances were consistent with congestion of the stomach not necessarily caused by an irritant poison."

Dr. Carter:—

Dr. Carter.

"The cause of death was *an irritant poison, most probably arsenic.*"

Q. Did you find arsenic anywhere?
A. We found evidence of an irritant poison. That is all we could find.
Q. Where?
A. In the stomach and intestines.
Q. Did you find arsenic?
A. No.

Dr. Barron:—

"The cause of death was *some irritant poison.* I am not able to say what particular irritant poison."

Under these circumstances these three medical men selected such parts of the body as they considered necessary to enable an analyst to detect whether that *irritant poison* was arsenic or what it was, and placed the parts they selected in a stone jar and some bottles, as described in the evidence of Dr. Humphreys.

Inspector Baxendale handed these to Mr. Davies, the analyst, who gave a receipt for them as follows (see Appendix B):—

Search in Corpse.

May 14th, 1889.

Received from Inspector Baxendale

Mr. Davies.

1 large stone jar, covered with muslin, and sealed A B.
3 glass jars—No. 1. Intestine
„ 2. Contents of stomach } Stoppered and sealed as above.
„ 3. Liver
2 small 2oz. bottles—A. Fluid which flowed from mouth, sealed as above.
B. Bile.

EDWARD DAVIES, F.C.S., F.I.C., &c.

Explanation of traces of arsenic.

Now, before these bottles are opened, there are one or two things which I wish to impress upon my readers.

(1) Arsenic is largely used in the manufacture of both stone jars and glass bottles, and it is not an uncommon or a difficult thing (especially if any acid is present) to set free *some traces* of arsenic out of the glazing of stone jars or out of the glass of bottles.

(2) In consequence of "the habits of dosing himself," it would be only natural to expect that *some traces* of arsenic would be found in this man's body, quite apart from any question whether arsenic was the irritant poison which had set up the congestion of the stomach which was the actual cause of death.

(3) Dr. Humphreys had, on the 6th of May (five days before death), actually administered arsenic to James Maybrick medicinally in the form of Fowler's Solution, and it is to be expected that *some traces* of that would be left in the body.

(4) The analyst, Mr. Davies, has defined in his evidence (which I have quoted) that he means when he uses the words *trace* and *minute trace* some quantity of arsenic between $\frac{1}{100}$th and $\frac{1}{1000}$th part of a grain—some quantity less than $\frac{1}{1000}$th part of a grain; and he further said that he is not able to speak with certainty that it is arsenic of any quantity less than $\frac{1}{100}$th part of a grain, and that he could not weigh anything under $\frac{1}{1000}$th part, although it was *weighable* to the $\frac{1}{1000}$th part.

(5) There is always a danger that the tests used by an analyst are not themselves absolutely free from some traces of arsenic, and it may be of assistance to the general reader if I shortly describe the tests which are used. Mr. Davies used—

Reinsch's test.

REINSCH'S TEST.

The portion of suspected matter which is subjected to Reinsch's test is mixed with $\frac{1}{10}$th of its bulk of hydrochloric acid, and being thus acidulated, is boiled with bright slips of copper foil. As arsenic is generally to be found in copper, it is essential to this test that the copper foil should be ascertained to be absolutely free from arsenic. I do not suggest that Mr. Davies did not use the

greatest possible precautions to secure that the copper foils he used were absolutely free from arsenic, but in a mysterious science, which makes the $\frac{1}{1000}$th part of a grain visible and weighable, there is always a chance—however remote, still a chance—that an analyst's precautions, however careful, may not be absolutely effective. Search in Corpse.

However, the suspected matter having been acidulated and boiled with these bright slips of copper, if any arsenic is present, a *metallic deposit* settles upon the surface of the copper foil.

I must stop here a moment at this stage of the test. All that is actually ascertained up to this point is the *presence of arsenic or some other metallic substance*, by the fact that there is a *metallic deposit* upon the copper foil, but that *metallic deposit* need not be arsenic, because a copper foil when boiled in the same way with hydrochloric acid, with most metals, for example: antimony, bismuth, silver, tin, lead, and mercury, has a metallic deposit upon it, so that the discovery of a *metallic deposit* upon the copper foil does not in any way imply that it is arsenic. It might be arsenic, and it might be any of the other things I have named. It is merely a steel-grey deposit, showing the *presence* of *some metallic impurity* of some kind.

It is useful to make this clear, because this is what Dr. Carter means by his evidence at the Trial as to the test he applied on Friday night, the 10th of May, to the Valentine's Meat Juice, which had been handed to him on that day by Michael Maybrick for analysis. Dr. Carter.

"On Friday evening, the 10th, I examined the meat juice by Reinsch's test, and discovered a *marked deposit on the copper foil* upon boiling it in hydrochloric acid. That meant there was *some metallic substance* in the sample."

Q. Arsenic is a poison which shows itself in the shape of a deposit, does it not, when boiled with hydrochloric acid?

A. Yes.

Q. *That deposit would come from any metallic substance?*

A. Yes.

I have drawn attention to this—the first stage of Reinsch's test—as it will be necessary, when we come to consider the "Valentine's Meat Juice incident," to bear in mind what it was which Dr. Carter had detected in the Valentine's Meat Juice on that Friday. He had, in fact, up to that time only partially applied Reinsch's test.

The next stage of Reinsch's test is to take the copper foil upon which the *steel-grey deposit* is shown. Wash it, and dry it at a heat of 212°, and then place it at the bottom end of a narrow glass-tube about the size of a quill, and then, by melting the glass-tube, draw it out with a narrow neck into the form shown in the sketch (taking care, however, in the operation, not to heat the copper foil). This done, the large end of the glass-tube and the copper

Search in Corpse.

foil are heated nearly to red heat, and then if the metallic deposit is either arsenic or mercury it will volatilize, by combining with the oxygen derived from the air in the tube, if the metallic deposit is mercury, into globules; but if it is arsenic, into myriads of minute crystals of an octohedral form, which are recognizable as crystals of arsenic under a strong microscope, and these crystals thus condensed appear in the cool and thin neck of the glass-tube.

Dr. Stevenson (see Taylor, "Medical Jurisprudence," Vol. I., p. 268) says:—

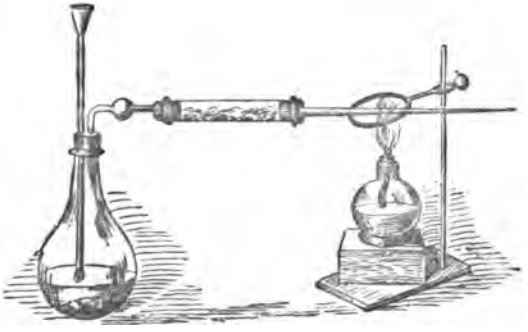
"The mere presence of a grey deposit on pure copper affords no absolute proof of the presence of arsenic. Bismuth, antimony, and mercury all yield deposits with Reinsch's test. The grey deposit of bismuth may easily be mistaken for arsenic."

And again—

"The errors into which the faulty methods of applying Reinsch's tests have led its reliability to be much discredited, and though in skilful hands, the results are trustworthy, it would perhaps be unsafe to rely upon it in an important criminal investigation."

Marsh's test.

MARSH'S TEST.



Marsh's Test depends upon the formation of arseniuretted hydrogen. I must explain here that arsenic, arsenious acid $As_2 O_3$ is not, as I have said, an acid at all; it is in fact tasteless, and is only called an acid in the inaccurate jargon of science becauseit possesses a property common to acids, it combines with alkalies. Arsenic is, in fact, an anhydride, and is sometimes, and more accurately, called "anhydride," which means that there is no hydrogen in it.

Marsh's test depends upon the formation of arseniuretted hydrogen, and subsequently separating it from the hydrogen and depositing it by means of heat.

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A glass flask is charged with a little *pure* granulated zinc, and through a cork in the mouth of the glass flask a funnel is placed, which goes to an inch off the bottom.

A bulb tube is also passed just through the cork, and bent at right angles, and at its other end into a horizontal tube, which is loosely filled with chlorine of calcium; this is prolonged by fitting into it, with a cork, a piece of German tube, *free* from lead, and drawn out to a narrow capillary tube as a termination.

This being the instrument, a little distilled water is poured through the funnel into the glass flask, and also a little *pure* sulphuric acid, which is added to cause a steady evolution of hydrogen.

When the atmospheric air is expelled, a lamp is placed under the thin capillary tube, as shown in the sketch. After maintaining the heat for some time (say ten minutes, to see if there is any metallic impurity in the test itself), the *suspected fluid* is poured through the funnel into the glass tube.

If there is any arsenic in it, it combines with the hydrogen and arseniuretted hydrogen gas is formed, and this when passing through the heated capillary tube in the form of gas becomes decomposed there, and the arsenic is deposited in the form of a steel-grey ring just past the spot where the flame of the lamp is applied.

If, again, the lamp is removed, and this arseniuretted hydrogen gas is left to escape through the end of the capillary tube and is ignited, the flame has a peculiar character—an arsenic character—and if a piece of cold white porcelain is introduced into this flame brown or grey mirror-like spots of arsenic are deposited on the porcelain.

The Marsh test is one of extreme delicacy, and the results are easily and quickly attained by it. But there is this to be observed about it, that if there should be any tartar emetic present, similar appearances would show both on the heated tube and on the porcelain plate as if arsenic were present. Great precautions are therefore necessary to secure absolute purity in the test itself.

Orfila himself, the great toxicologist, was so misled by the extreme delicacy of Marsh's test in certain researches of his, that he stated that *arsenic is a natural constituent of the human body!*

Fresenius and Van Babo's test.

Mr. Davies also in some of his experiments used *Fresenius* and *Van Babo's* test. This test consists of reducing the arsenic in the suspected matter by means of a current of sulphurous acid gas, and then, by expelling the sulphurous acid gas with heat, to obtain a precipitate of arsenic by means of sulphuretted hydrogen, then collecting the precipitate on a small filter, washing it and dissolving out the *sulphide of arsenic* with ammonia, and then evaporating the solution with ammonia.

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The parts of the body referred to above being the parts selected at the *post mortem* by the medical men for analysis in this search for arsenic in the body, and the above being the tests by means of which Mr. Davies made his analysis, the following is the result arrived at by Mr. Davies. In his evidence at the Inquest he said :—

"The large stone jar contained the intestines and, I think, the spleen. I found arsenic. I took one ounce, taking it from various parts of the intestines, and I obtained crystals, *but only in very, very minute quantity. It would not be a weighable quantity from the quantity I took. I doubt whether I could have obtained a weighable quantity from any manageable portion of the intestines.*"

Q. Did you analyse the spleen?
A. Yes, but I detected no arsenic.

Mr. Davies then proceeded :—

"I examined the coat of the stomach and *failed to get evidence of arsenic.*'
"I examined the contents of the stomach and *failed to get evidence of arsenic.*"

"There was no arsenic in the small bottle containing fluid from the mouth. I received 6 oz. 100 grains of the liver. I took half an ounce, and by Reinsch's test found crystals of arsenic. I then took 2 ounces of the liver and found that it was *an insufficient quantity out of which to get a weighable quantity of arsenic*, although there was arsenic in it. I had then only 3 ounces left and did not make any further test until afterwards [viz, until the exhumation]. I found no arsenic in the small bottle of fluid from the mouth."

Then Mr. Davies' evidence at the Magisterial Inquiry as to the parts selected at the post mortem was :—

"I examined a large stone jar containing the intestines and the spleen. I found arsenic *in very minute traces in the intestines.* I analysed the *spleen* separately *but found no arsenic.* The glass jar marked 'Intestines' should be 'Stomach.' I did not get arsenic there or in the 'contents of the stomach,' but I did in the liver."

Then at the Trial Mr. Davies' evidence as to the parts selected at the post mortem was :—

"The first in the list of articles brought to me by Inspector Baxendale was a large stone jar covered with muslin and marked A B. It contained the intestines and part of the spleen and contained arsenic. The intestines and the part of the spleen were in the same jar all together. I did not determine the amount. *I did not detect any arsenic in the spleen, but I did detect it in the intestines, but I did not determine the amount, I thought it was too small.*"

The Judge : The spleen contained no arsenic?
A. I did not detect any arsenic.
Q. What is the next that contained arsenic?
A. Three glass jars, Nos. 1, 2, and 3. The third contained arsenic.
Q. What are they?
A. *The stomach, no arsenic.* The liver, arsenic distinctly.

And in cross-examination :—

Q. You found none in the stomach [glass jar No. 1]?
A. No.

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Q. Nor in the contents of the contents of the stomach [glass jar No. 2?]
A. No.
Q. Nor in the spleen? [Stone jar A B.]
A. No.
Q. Nor in the bile? [Small 2oz. bottle B.]
A. No.
Q. Nor in the fluid which escaped when the body was turned over? [Small 2oz. bottle A.]
A. No.

I have now set forth the whole of Mr. Davies' evidence as to the result of the parts of the body selected at the post mortem by Dr. Humphreys, Dr. Carter, and Dr. Barron, in this search for arsenic; and although Mr. Davies says—in respect of the intestines in the stone jar marked A B, and in the liver in the glass jar No. 3—he found arsenic, I put it to my readers that he had done nothing whatever of the sort. In a rough and ready way it may be said that his evidence goes as far as this, that he had detected the *presence of arsenic;* but to say that he *had found arsenic* is an absolute perversion of his own evidence. He had found nothing that was *weighable.* Let me repeat his evidence as to the intestines and spleen in stone jar A.

"I found no arsenic in the spleen, which I analysed separately."
"I obtained crystals in the intestines, but only in a very, very minute quantity. It would not be a weighable quantity, from the quantity I took [an ounce from various parts]. I doubt whether I could have obtained a weighable quantity from any manageable portion of the intestines."

So much for the stone jar A B. Then, as to the glass jar No. 3, liver:—

"I received 6oz. [100 grains] of the liver. I took half an ounce, by Reinsch's test, and found crystals of arsenic. I then took 2oz. of the liver, and found it was an insufficient quantity out of which to get a weighable quantity of arsenic."

And he found that there was no arsenic in any of the other things.

Now, we have Mr. Davies's own definition of what he means when he uses the words "traces," "minute traces," distinct traces," and "weighable." Let me repeat it, and ask my readers to apply his own meaning to those words where he uses them in the above evidence.

Q. I understand, Mr. Davies, when you speak of "a trace," that means something that is not sufficiently weighable?
A. It means something under, say, 1-100th part of a grain. It does not mean something which I could not weigh, but something which I could not guarantee to be absolutely free from other things. Anything under 1-100th part of a grain I should not consider satisfactory.
Q. But when you speak of a trace it means something under 1-100th part of a grain?
A. If I say "distinct traces" I should say it meant something between 1-100th and 1-1,000th part of a grain; while a "minute trace" is less than 1-1,000th part of a grain.

Search in Corpse.

Now I put it to my readers that the result of Mr. Davies' analysis of the parts of the body selected at the post mortem is that he found no arsenic whatever in it, and that neither he nor any one else had any right whatever to use the word "arsenic" in connection with the result of that analysis, unless some weighable arsenic had been found. I have placed a grain of arsenic on this space.

O

Mr. Davies, or any analyst of any pretentions to skill, can weigh, or think they can weigh, $\frac{1}{10000}$th part of a grain. Mr. Davies found nothing *weighable* in the whole of the things submitted to him! and says that what he did find was "very, very minute traces"!! and Mr. Davies himself says that he could not be sure that anything under $\frac{1}{100}$th part of a grain would be absolutely free from other things. I have the highest respect for science, but I say it is perfectly monstrous, and an abuse of the English language, to use the word "arsenic" in any connection whatever with the result of this analysis of the parts of the body selected at the post mortem.

Exhumation.

THE EXHUMATION.

My readers will remember that when the Inquest, which had been adjourned from the 14th to the 28th to enable Mr. Davies to make this analysis of the parts selected at the post mortem, was opened, the Coroner announced, on that 28th of May, that it would be again adjourned to enable Mr. Davies to complete his analysis of the viscera, and that Mr. Davies was not then called; and that the body was exhumed on the night of the 28th, in the presence of Dr. Humphreys, Dr. Carter, Dr. Barron (and according to an eye-witness), Dr. Hopper, although, as a matter of fact, he was not present. We will now see what the result of this somewhat unusual further search in the body was. I will again ask my readers to bear in mind the five reasons I have set forth as to the probability of *some traces* of arsenic being found quite independently of any question connected with the cause of death; and to these I will add the possibility, at all events, if indeed not probability, that between the time of the post mortem on the 13th, and this exhumation on the 28th, *some traces* of arsenic might have got into that body in connection with the interment, or into the jars in which the portions were taken, or in some accidental way or other. Now, what was done? and what was found?

Dr. Humphreys.

Dr. Humphreys, in his evidence at the Inquest, says (and Dr. Carter and Dr. Barron said it was correct):—

"On the 28th of last month I exhumed the body for further examination. On that occasion I was again assisted by Drs. Barron and Carter. We took

the rest of the liver, kidneys, lungs, the œsophagus, the tongue, skull-cap sternum, portions of the pelvis on each side and a portion of the thigh bone, some of the abdominal walls, and a good piece of the flesh of the thigh. I placed those portions in a large stone jar, and covered the jar with *some strong tissue—linen, I think*, and tied and sealed and gave it to Inspector Baxendale." Search in Corpse.

That stone jar is thus described in the printed list prepared by the police :—

Liverpool, 29th, 1889.

Received from Inspector Baxendale :

1 brown stone jar, *covered with parchment paper*, and sealed A B. Tied with string. EDWARD DAVIES, F.C.S., F.I.C., &c.

The Inquest having been adjourned for the purpose of enabling Mr. Davies to analyse these exhumed parts of the body, Mr. Davies at the adjourned Inquest on the 7th of June gave as evidence :— Mr. Davies.

The Coroner : Did you afterwards receive a brown stoneware jar covered with parchment ?

A. Yes.

Q. Did that jar contain the remainder of the liver ?

A. It contained that with a number of other things.

Q. Did you make any test of that remaining portion ?

A. I took six ounces.

Q. And what was the result ?

A. I purified it. I precipitated the arsenic as sulphide of arsenic, and *purified it to the best of my ability*, and obtained *1-50th of a grain of sulphide of arsenic.*

Q. Did you analyse anything in the stone jar besides the liver ?

A. Yes. I took four ounces of the *kidneys*, with a view to a quantitative examination, *but the amount left—though distinct and visible as sulphide of arsenic—was too small to weigh.*

The Coroner : *You say there were traces of arsenic in the kidneys, but not in a weighable quantity ?*

A. Yes.

Q. Did you analyse anything else out of the jar ?

A. Yes. I analysed portions of the *heart* and *lungs. I did get faint indications of crystals, but I would not like to swear they were arsenic.*

Q. Did you analyse anything else out of the jar ?

A. No. I have not analysed any of the bones out of the jar.

Mr. Pickford : The result of your examination of the organs of the body is, that there is a very small quantity of arsenic ?

A. *A very small quantity in the intestines, liver, and kidneys.*

The result of Mr. Davies' analysis of all the variety of parts of the body, selected by the Doctors at the exhumation, and which were *all mixed up together* in this brown stone jar (as to the purity of which we know nothing), was that all the weighable arsenic he actually found was *1-50th of a grain of sulphide of arsenic*, which is a compound of sulphur with arsenic !

The Coroner's Jury may have been a very intelligent body of men, but the above is all the evidence which was placed before them as to any arsenic having been found in the body—this Coroner's jury.

Search in Corpse.

1-50th of a grain of *sulphide of arsenic* in the liver, and these "indications of crystals" in the kidneys, which Mr. Davies said he would not like to swear were arsenic! If they were the octohedral crystals of arsenic, he could have had no doubt about them, because the crystals of arsenic are very easily recognized! and if he had *any doubt* about them he had no right to suggest that they were! and again, the traces of sulphide of arsenic in the heart and lungs, which Mr. Davies said were distinct and visible, but *too small to weigh!* The Coroner's Jury, as I have said, may have been a very intelligent body of men, but their intelligence would have been past human understanding if upon that evidence they had come to the conclusion that *arsenic was the particular irritant poison which had set up the gastro enteritis or inflammation of the stomach, which was the cause of death*, because the fact is that the quantity Mr. Davies had actually found was not sufficient to be the "cause of death" of a mouse! The Coroner certainly *invited* them to come to this conclusion, because, in his summing up, he said that all three of the Doctors who had attended the post mortem and exhumation, Dr. Barron, Dr. Carter, and Dr. Humphreys, agreed that the cause of death was *some irritant poison*, but that—

"Dr. Humphreys and Dr. Carter went further, and said they believed that irritant poison was arsenic; and Mr. Davies, when he made the analyses of the different parts of the body handed to him, found arsenic in the liver, lungs, kidneys, and intestines."

I emphatically say that this is not a correct representation of the evidence. Neither Dr. Humphreys nor Dr. Carter had gone beyond saying that the cause of death was some irritant poison, "most probably arsenic," which is a very different thing from saying that they believed it was arsenic; and Mr. Davies had not found arsenic (because I insist upon the use of the word *weighable arsenic*) either in the lungs, kidneys, or intestines; at the utmost he had only found the *presence of arsenic* there to such a microscopical extent that he could not weigh it. I protest it is an absolute trifling with the English language to say he had found arsenic in these things; and that is what the Coroner, in summing up to the Jury, ought to have pointed out most distinctly and emphatically.

The Coroner's Jury, however, did not find that arsenic was the particular irritant poison. What they found was, that "*death resulted from an irritant poison.*"

At the Magisterial Inquiry, on the 13th of June, Mr. Davies' evidence as to the result of his analysis of the exhumed portions of the body was:—

"On the 29th of May I received a large stoneware jar containing various articles, and among them the liver. I treated six ounces of the liver *Sup-*

posing the arsenic I found in the liver *equally distributed* over it, it would be about 1-8th of a grain. I also found arsenic in the kidneys, *but in too small a quantity to make a satisfactory analysis. All the other things* I have dealt with in the list, with the exception of the bones, which I have not dealt with yet, *may be taken as free from arsenic.*" Search in Corpse.

Now, why did not Mr. Davies analyse the bones? Surely it cannot have been because he did not know that in cases of arsenical poisoning, arsenic is generally found in the bones! In fact, is it possible that any of my readers, medical or general, can be satisfied with accepting the "Davies system" as the proper means of arriving at the truth in any matter which affects the Life and Liberty of the subject.

THE DR. HUMPHREYS AND DR. CARTER INCIDENT.

Humphreys and Carter.

This incident consisted of the calling in, by Mrs. Maybrick, of Dr. Humphreys on the 28th of April—the nearest doctor at first—and subsequently Dr. Carter on the 7th of May, "on account of my position in town" (as he himself said at the Trial), in consultation with Dr. Humphreys.

Up to the 7th of May Dr. Humphreys was the only medical man who could give any evidence as to the symptoms of James Maybrick's illness. But Dr. Carter having also attended him on the 7th, 9th, 10th, and 11th of May was able to give evidence as to the *symptoms* during life, and their *treatment* of the patient. Dr. Humphreys.

On the 28th of April, when Dr. Humphreys was first called in, Mrs. Maybrick warned him that her husband was secretly taking a "white powder," which, on a former occasion early in March, she had asked Dr. Humphreys to speak to him about, and which she thought might be strychnine, and as to which Dr. Humphreys said— 28th April.

"She was alarmed about it: she was unhappy"—

and on this 28th of April—when he was called in early in the morning, by Mrs. Maybrick, to see James Maybrick—she repeated this warning about this "white powder;" and Dr. Humphreys went up and questioned James Maybrick about a "white powder," strychnine, and a brown powder, nux vomica.

It is necessary—because for some reason absolutely unintelligible to me, this warning, given on this 28th of April, was not referred to at the Trial—that I should set out again here the evidence elicited from Dr. Humphreys in cross-examination at the Magisterial Inquiry, but which he had not referred to at the Inquest or at the Trial.

Q. You have been in court and heard that she wrote to Mr. Michael Maybrick about his taking some powder. Did she say anything about that to you? Dr. Humphreys in March.

A. Yes.

Humphreys and Carter.

Q. Would that be in the month of March?

A. Yes, it was about the time he went to London.

Q. Did she ask you to speak to her husband about it?

A. Yes.

Q. She mentioned that he was taking some medicine, but she did not know what it was.

A. Yes.

Q. Was it a "white powder"?

A. She described it as a "white powder."

Q. I think she thought it was dangerous?

A. I would assume so from her conversation in speaking to me about it.

Q. Did she ask you what was to be done in the event of his taking an overdose of this medicine?

A. I cannot say. She and I were sitting in the morning-room one afternoon when I called to see the children, and when talking Mrs. Maybrick told me her husband was in the habit of taking a "white powder." She did not know what it was. She thought that possibly it was strychnine. She was alarmed about it. She was unhappy. *What advice I gave her if he took an overdose, I cannot say.*

Q. *You cannot say whether you gave her any?*

A. *I cannot.*

Q. I suppose if she had suggested giving mustard and water it would be a right thing to do?

A. Yes; a common-sense thing to do.

Q. Did Mrs. Maybrick show you any of the "white powder" she said her husband was in the habit of taking?

28th April.

A. No. And while I am on that subject, I have a distinct impression that on the 28th April, Mrs. Maybrick spoke to me again about it; the result of it being that I questioned him upon the effects of strychnine and nux vomica upon himself; and the answer he gave me was: "I cannot stand strychnine and nux vomica at all;" from which I drew my conclusion that he was not in the habit of taking it. I had two conversations with Mrs. Maybrick, and this was one of them.

Sir W. Forwood: On the 28th of April, what did Mrs. Maybrick say to you?

A. In going upstairs she suggested—

Mr. Swift: Give her words.

A. I cannot give her words.

Q. A word or two may make all the difference.

A. Well, I cannot give them.

Mr. Pickford: What he said was that she mentioned this "white powder" again.

Sir W. Forwood: She referred to a "white powder."

A. Yes. That was the word she used.

Sir W. Forwood: And in consequence of this you spoke to Mr. Maybrick?

A. Yes.

Mr. Swift: Was Mrs. Maybrick present then?

A. No.

Dr. Humphreys having been thus warned—and having come to the conclusion, as James Maybrick said to him, that he was a man who knew a good deal about medicine and their effect upon him—that Mrs. Maybrick's alarms were groundless, proceeded to make his diagnosis of James Maybrick's illness from the *symptoms*, and the following is his evidence of his treatment of his patient for those symptoms:—

Humphreys and Carter.

I cannot, of course, presume to offer my readers any opinion of my own as to either the *symptoms* or the *treatment*. It is, however, necessary in the consideration of this Trial for Murder by Arsenic, that the evidence of the medical men who attended James Maybrick, both as to the *symptoms* and *treatment*, should be fully set out for the consideration of my medical readers, and in order to set it out fully I shall quote their evidence as to the *symptoms* and *treatment* as given at Inquest, Magisterial Inquiry, and Trial.

The Jury attached great weight to the opinion of *the doctors who had attended James Maybrick during his illness.*

Now, with regard to Dr. Humphreys' knowledge about arsenic and the symptoms of arsenical poisoning, he gave the following evidence at the Inquest:—

Q. Can you tell me, doctor, whether a small quantity of arsenic has any appreciable taste?

A. I should say, No.

Q. Can arsenic be taken in fatal quantities without exciting symptoms?

A. It has been so taken.

Q. If arsenic is mixed with a cold liquid is it possible that a little would adhere to the vessel containing it?

A. *It depends entirely upon how much arsenic is put into the liquid.*

Well! I will stop here for the purpose of asking my medical readers to put on their spectacles and read that last answer again, and to tell my general readers that if any arsenic (no matter what the quantity is) is introduced into a cold liquid in the form of "arsenic in solution" none of it would adhere to the vessel, and, if any arsenic (no matter what the quantity is) is put into a cold liquid in the form of "arsenic powder" some of it would at once form into little spherical heaps on the surface of the liquid against the sides of the vessel. I think my medical readers and those who are scientifically acquainted with the nature and properties of arsenic will not agree with Dr. Humphreys in his opinion that the possibility of a little, if any, arsenic mixed in cold liquid adhering to the vessel—

"depends entirely upon how much arsenic is put into the liquid."

I do not think there will be any conflict of medical opinion about that. What does Dr. Stevenson say? What does Mr. Davies say?

Well, that being Dr. Humphreys' opinion on the nature and properties of arsenic when mixed with a cold liquid, I will now give his evidence as to his experience of arsenical poisoning and the *symptoms* arsenic causes.

At the Inquest Dr. Humphreys said:—

Dr. Humphreys

Q. Can you tell us what the symptoms of a person suffering from arsenical poisoning are?

A. It depends entirely on the dose he takes. As it is stated in the books.

Humphreys and Carter.

Mr. Pickford: But can you tell from your own knowledge.
A. From my own knowledge I cannot.
The Coroner: You know what the symptoms are?
A. Yes.
Mr. Pickford: From his reading.
The Coroner: *I don't ask from what source he has the information.* (To Superintendent Bryning.) Do you press for an answer?
Superintendent Bryning: I must do so.

Now, unlike the Coroner, I should very much like to know from *what source* Dr. Humphreys did get his information, and from what book, because there is a great conflict of medical opinion in the books on the subject of what the *symptoms* of arsenical poisoning are; and Dr. Stevenson, who is a great authority "in the books" on this subject, said at this Trial:—

"There is no distinctive diagnostic symptom of arsenical poisoning. The diagnostic thing is finding the arsenic."

Unlike Coroner Brighouse, when Dr. Humphreys said:—

Q. You know what the symptoms are?
A. Yes.
Mr. Pickford: From his reading!
The Coroner: I don't ask from what source he has the information.

Unlike Coroner Brighouse, I do ask from what source he got it?—and from what books?

However, as Superintendent Bryning pressed for an answer, Dr. Humphreys gave his evidence as to what the *symptoms* are.

"The symptoms of arsenical poisoning—*as described in books, not in my own knowledge*—depend entirely upon the dose."
"If a *large dose*, you will have *all the symptoms of cholera.*"

Symptoms.

Dr. Humphreys.

Well, this is not very definite in one sense, because there is a conflict of medical opinion also upon the subject of, at all events, some of the symptoms of cholera—and there are different kinds of cholera; but I think it will surprise some of my medical readers to hear that it is stated in any of "the books" that the symptoms of arsenical poisoning, when a large dose is given, are identical with the symptoms of cholera.

Dr. Humphreys then goes on—

"If a *moderate dose* is taken, you *may have* diminished symptoms. You *may not* have so much *diarrhœa, vomiting*, or *pain in the stomach*, or *perchance* you may have *none* of the symptoms, but the patient will be struck down *as if with large doses of narcotic*, will be *comatosed or asleep*, or he may have convulsions."

Now, I should like to know what a moderate dose means which produces this vast variety of symptoms?

Then as to *small doses*, Dr. Humphreys said— Humphreys and Carter.

'If a *small dose* is taken for a prolonged period you *may have diarrhœa*,

Pains in the stomach,
Redness of the eyes,
Falling out of the hair,
And skin eruptions of various kinds."

Q. Well, now, did your patient exhibit any weakness about the eyes?
A. Not any.
Q. Or any intolerance of light?
A. No.
Q. Is local paralysis a consequence of arsenical poisoning?
A. Occasionally.
Q. Is not this the action of arsenic?
Mr. Pickford: It would be just as well not to suggest the answer. I object to the form of the question as being a leading question.
Superintendent Bryning: The answer of the question admits of a plain Yes or No.
Mr. Pickford: That is a good definition of a leading question!
The Coroner: I think the question should be put, "What is the action of arsenic?"
Mr. Pickford: That meets my objection.
Superintendent Bryning: Can you tell me this, doctor—If arsenic is taken into the body can you tell me whether it is *soon absorbed* or *rapidly eliminated?*
A. *It is soon eliminated, or rather, I should say, soon begins to be eliminated.*
Q. And does the process of elimination soon end?
A. *It ends when the last of the arsenic has disappeared.*
Q. *Then it will depend on the quantity of arsenic taken?*
A. *Yes.*

. . . . .

Q. I may take it that the *symptoms during life were consistent* with congestion of the stomach, not caused by an irritant poison?
A. They were consistent with acute inflammation of the stomach and intestines produced from any cause whatever.

. . . . . .

Q. I think you did tell us you had no personal experience of a case of arsenical poisoning?
A. I have no personal experience.
Q. Or of any irritant poison?
A. Or of any irritant poison.
Q. The knowledge you derived from your education?
A. Quite so. From education, not from this particular case, but from a general medical education.
Q. And of course you received that general medical education before you attende l Mr. Maybrick?
A. Quite so.
Q. With your general medical education and skill, with that knowledge in your mind, *these symptoms never suggested poisoning of themselves?*
A. *Up to Wednesday (8th of May) they did not.*

Then, at the Magisterial Inquiry, Dr. Humphreys said:—

Q. For some days after you began to attend Mr. James Maybrick you had no reason to doubt that the *symptoms* were from anything but *natural causes?*
A. I *had not.*

Humphreys and Carter.

Q. They were symptoms of indigestion and congestion of the stomach which might be produced by a variety of causes?

A. Quite so.

. . . . . .

Q. Then, as I understand it, you had no idea that his *symptoms* arose from irritant poisoning until it was *suggested* to you?

A. Yes, that is so. The *suggestion* was made before the conception in my mind.

Then, at the Trial, Dr. Humphreys said, in reference to some experiments he had made for testing for arsenic by Reinsch's test:—

"I am not skilled in the details of testing, and my test may have been inefficient."

Q. That is candid, doctor. Then you mean to convey that although you tried this experiment you were not able to conduct it successfully?

A. I cannot say whether I conducted it successfully or not. I do not pretend to have any skill in these matters.

Q. It is not a difficult test?

A. No.

. . . . . .

Q. You were making the experiments with some object?

A. Yes.

Q. Were you satisfied they were properly conducted at the time?

A. I was satisfied there was nothing on the copper. I had no books at the time to refer to; it was only from recollection I worked.

Q. Is there anything in the way of working the experiment in books which you have since consulted that you did not do?

A. No.

Q. Were you quite satisfied, when you came to refresh your memory, that there was nothing omitted by you?

A. Yes.

. . . . . .

Q. So far as your reading tells you, is there any difference with the way of testing?

A. I don't know.

Q. So far as you know, is there?

A. No.

. . . . . .

Dr. Humphreys.

Q. *What is the ordinary effect of arsenic on the stomach*—when it is taken, I mean, in an overdose, or beyond what is good for a man?

A. In a dose sufficient to kill or not?

Q. *Suppose it were taken in a dose sufficient to kill?*

A. I *cannot* say.

Q. *Do you know anything by which you can distinguish at one stage of the illness what is produced by arsenic from what is produced by dyspepsia*

A. *No, I shouldn't like to swear.*

. . . . . .

Q. Does an irritant poison produce irritability of the stomach?

A. Yes.

Q. And can you, *in some of its stages*, distinguish it from irritability cause by dyspepsia?

A. *No, I could not.*

Q. Have you had occasion to attend any one who had been poisoned with arsenic? Humphreys and Carter.

A. No.

Q. Then, probably, you cannot tell me whether this irritation in the stomach could exist without pain, or complaints of pain?

A. I think it is very frequent to have irritation of the stomach without complaints of pain.

Q. But you are unable to say one way or the other whether the irritation was from dyspepsia or poison?

A. I could not say.

Well, I do not know what value the Liverpool Common Jury attached to Dr. Humphreys' evidence about arsenic and arsenical poisoning, which he had acquired from his "general medical education" and "the books," and not from any personal experience; but one thing will be perfectly clear to my readers, and that is, that Dr. Humphreys made no pretensions of attaching much value to it himself. Dr. Carter.

Then comes *Dr. Carter*. He did not attend James Maybrick during the earlier part of his illness. He first saw him in consultation with Dr. Humphreys on Tuesday, 7th May, and again on Thursday, the 9th, Friday, 10th, and twice on Saturday, 11th, when he died. Dr. Carter's evidence as to his experience of the *symptoms of arsenical poisoning* is as follows.

Dr. Carter said at the Inquest:—

Q. Are you in a position to say what was the cause of death?

A. Yes, irritant poison.

Q. Are you able to say what was the irritant poison?

A. Most probably arsenic.

Q. Did you form this opinion previous to death?

A. I did, sir.

Q. On which of your visits did you form that opinion?

A. The presumption was raised on Thursday.

Q. Were you confirmed on subsequent days?

A. I felt morally certain on Friday, the 10th. I was nearly as certain as I could be without actually demonstrating it. I felt very strongly that the illness was caused by some irritant poison.

Q. You were very strongly of that opinion on Friday.

A. I was almost certain.

Q. *Did you treat the case as one of poisoning?*

A. *Yes, we did.*

Dr. Carter says "Yes, we did," but it is to be observed that Dr. Humphreys has not said so. Dr. Carter then proceeds to recount the *symptoms* which led him to come to that conclusion. Dr. Carter.

Q. Will you tell the gentlemen of the jury what were the *symptoms* displayed by which you were enabled to come to that conclusion?

A. There was *vomiting, urgent and continued, and extremely obstinate.*

I will just remark that, according to the evidence of Dr.

Humphreys and Carter.

Humphreys, as will be seen presently, there was no such vomiting after Dr. Carter was called in.

"This was followed by *diarrhœa*."

I will just remark that according to the evidence of Dr. Humphreys the diarrhœa did not set in until Thursday, the 9th, and did not continue after that day. In fact, the nurses did not in their notes record or in their evidence say there had been any diarrhœa at all; they spoke of "straining," not "diarrhœa."

"*An incessant choking sensation in the throat.*

"*A gradual failure of the circulation*, followed by a sinking.

"This, without the concurrence of any symptoms of organic disease, strongly impressed *us* with the belief that there must have been some irritant introduced. There was also the dead white in the right hand, followed by death, the final proof. At the same time there was the negative fact that there was no disease of the organs to account for this. The heart, lungs, and frame were all sound, as far as we could determine."

Mr. Pickford: Did you form this opinion before any *suggestion* was given as to poison?

A. Oh! no.

Q. And you did not form any opinion that he was suffering from poison till that?

A. No.

Suggestions.

The *suggestion* made was made to him by Michael Maybrick, on Thursday, the 9th, and the *suggestion* was that Mrs. Maybrick was poisoning her husband with some arsenical fly-papers which it was known she had purchased and soaked in a sponge basin, and Dr. Carter says that he formed the opinion that James Maybrick was suffering from an irritant poison—most probably arsenic—on Thursday, the 9th.

Treated case as one of poisoning

Q. Did you treat the case as one of poisoning?
A. Yes, we did.

Then, at the Magisterial Inquiry, Dr. Carter said:—

Q. Did you form any opinion (on Tuesday, the 7th) as to what he was suffering from?

A. I thought it might be the result of some grave error of diet.

. . . . . .

"*There is no antidote for arsenic after the first few hours. It is only within the first two or three hours that any antidote can be of the slightest use.*"

Dr. Carter.

Now, Dr. Carter had had arsenic *suggested* to him on Thursday, the 9th! He had formed his opinion on that day that his patient was suffering from an irritant poison. He had not formed that opinion until after that *suggestion* was made.

Q. Did you treat the case as one of poisoning?
A. Yes, we did.

Will Dr. Carter explain?

Dr. Carter went on:—

Q. What day did you expect fatal results?

A. I thought on Friday it was *probable*, and on Saturday *more than certain*.

Q. Then death may take place sometimes when arsenic has ceased to be administered?

A. Yes. It may take place several weeks after—15 or 16 days after a single dose. There are a number of cases on record of death in 15 days, and another of 16 days, where one large dose of arsenic was known to have been taken, without suicidal intent, and no trace of arsenic was found in the body.

Sir W. Forwood: So far as we have it in evidence, it does not appear that any arsenic was taken during the last four days—Wednesday to Saturday?

A. *I should think not.*

Then at the Trial Dr. Carter said—

"My experience includes cases of *over dosing medicinally with arsenic.*"

. . . . . .

"On Tuesday, 7th of May . . . after consultation with Dr. Humphreys, I concluded that the deceased was suffering from acute dyspepsia, resulting from indiscretion of food or drink, or both. Acute dyspepsia would include the result of such irritants as we thought deceased had been suffering from. We did think the deceased was suffering from some irritant, and the *symptoms* were such as to indicate that in the absence of disease in any other organ *they were such symptoms as might be produced by an irritant poison.*"

. . . . . .

Q. Now, confining yourself to the point when you first saw the patient [*on Tuesday, 7th of May*], when you thought it might be a case of acute dyspepsia—because poison was the last thing you would think of—what was the chief appearance of the body?

A. Acute inflammation of the stomach.

. . .

"I judged that the fatal dose must have been given on *Friday, the 3rd of May*, but a dose might have been given after that. When he was so violently ill on the Friday I thought it would be the effects of the fatal dose, but there must have been subsequent doses."

Q. Can you tell us now how the doses were commenced?

A. I judged that the previous illness, on the 27th of April, was due to an irritant food, but *now* it was due to irritant poisoning.

Q. But not in sufficient quantities to cause death?

A. No, not at once.

Q. What do you mean by at once?

A. There may have been others——

Q. Now, what is a fatal dose. What is the amount taken in one dose that kills a man?

A. Two grains, given in five successive doses of two-fifths of a grain, in Fowler's solution, killed a woman after the fifth dose.

Q. But these five successive doses must be administered before they recover from the last?

A. That is what I mean.

Q. Would a repeated dose have to be given before recovery from the previous dose to produce death?

A. Oh, yes! If a small dose were given by which there would be illness and complete recovery, a similar dose six months hence would do no harm.

Humphreys and Carter.

If, however, a similar dose was taken *five days* afterwards, before complete recovery, it would be dangerous.

Q. Tell me what are the *symptoms* of arsenical poisoning?

Dr. Carter.

A. With many variations, they are *vomiting*, followed *after some time* with *diarrhœa—prostration—tenesmus—failure of the heart*—and death. There are, however, many variations to this. Sometimes *coma* comes early, as if the nervous system alone were affected with a narcotic poison.

Q. Supposing a dose less than a fatal dose were given—an overdose—and produced serious illness, what would be the result?

A. Inflammation of the stomach or diarrhœa—vomiting persistently, with great pain; and, less commonly, in large doses, irritation of the eyes. That occurs in large medicinal doses.

. . . . . .

Q. If it [inflammation of the stomach or gastritis] came from impure food or arsenic, would you expect the *symptoms to be the same?*

A. *They might be* the same.

Q. *Would you expect them to be the same?*

A. *I should not.*

Q. Then it follows that if there were any causes apart from the improper use of poisonous things which would put up gastritis *the symptoms would be accounted for?*

A. Except generally the *last symptom of all*—death.

Sir Charles Russell: I should not have called that a *symptom*, doctor! (Laughter.) You mean, in other words, that unless it were a poisonous substance, *in the sense of a metallic poison*, you would not commonly expect to find gastritis *fatal?*

A. I don't think it would be fatal, *nor would the symptoms be so intense.*

Now, if this be so, if there was this distinction in James Maybrick's case, why did not Dr. Carter diagnose the *symptoms* of arsenical poisoning, as distinct from gastritis from impure food, without waiting for Alice Yapp and Michael Maybrick to diagnose the case for him? The explanation is perhaps to be found in Dr. Carter's next answers!!

Q. *Have you ever before attended a person as to whom it was alleged that death had resulted from arsenic?*

A. *Not death.*

Q. Have you had, in your capacity of doctor, anything to do with patients, *except patients who had taken doses of arsenic medicinally?*

A. *In over medicinal doses.*

No experience.

It appears, then, that Dr. Carter and Dr. Humphreys, the two medical men who attended James Maybrick, had not much—or, indeed, any—experience between them of the *symptoms* of fatal doses of arsenic!!

But before I go into the evidence of Dr. Humphreys and Dr. Carter as to what the *symptoms during life* actually were, I must call the attention of my medical readers to what Dr. Carter says the *symptoms of arsenical poisoning* would be. My general readers will probably find it as difficult as I do to find out what Dr. Carter considers to be "the distinctive diagnostic symptoms of arsenical poisoning."

Dr. Stevenson says :—

Humphreys and Carter.

"There is no distinctive diagnostic *symptom* of arsenical poisoning. The diagnostic thing is finding the arsenic."

The Dr. Stevenson and Dr. Carter.

Dr. Carter differs from Dr. Stevenson, and thinks there are, and he gives the following evidence about them :—

Q. In the case you refer to in the death of a person by two grains extending over a period of five days, you are aware that it is also recorded that the doses were taken on each of the days.

A. I explained it myself.

Q. Two-fifths successively in each of the five days?

A. I have said that.

Q. That was the lowest quantity recorded?

A. Yes.

Q. I must put this to you. You have expressed your views as you were bound to do. Now, is not pain in the stomach, especially pain in the pit of the stomach, one of the strongest indications of poisoning by arsenic?

A. It is often there and often not.

Q. Do you understand what I said? Is the pain in the stomach not one of the most distinctive symptoms or signs of poisoning by arsenic?

A. It is very often.

Q. After a fatal dose is given, how soon would you expect it to operate on a patient?

A. Sometimes it comes soon; sometimes it is delayed for hours.

Q. What? I said how soon would you expect a fatal dose to operate on a patient?

A. Sometimes it would be soon; sometimes it would be delayed for ten hours.

Q. That is the longest on record, I believe? Ordinarily it is within half an hour or so, is it not?

A. Ordinarily it is.

Q. Is not ten hours, mentioned by you—I suppose you have been reading up this question?

A. I have.

Q. Is it not a fact that ten hours is a most exceptional period?

A. It is the longest time known, as I have said.

Q. Therefore you mention it as extreme?

A. Yes.

Q. It is commonly from half an hour to an hour?

A. That is so.

Q. In the case of a fatal dose you would not expect to find a perceptible redness of the eyes and of the eyelids?

A. No, I should not.

Q. But if there was a succession of doses would you not expect to find it?

A. It is common when medicinal overdoses are taken.

Q. I am not asking you about medicinal doses; that would be a common symptom provided there had been a succession of overdoses?

A. It would.

Q. With an itching sensation in the eyelids?

A. That is commonly present.

Q. And a redness and a blood-shot appearance of the eyes?

A. That is so.

Q. Were there any signs of redness of the eyes or the eyeballs?

A. No.

Humphreys and Carter.

Dr. Carter.

Q. Or of an itching sensation?

A. There was not.

Q. Following out your view of the case, was it a case of chronic or acute poisoning?

A. Acute poisoning. Perhaps I may modify it by saying that it was not an instantaneous case of poisoning with the symptoms beginning and terminating on the same day.

Q. Your opinion is that it was acute?

A. Yes; but of course I cannot be bound by a word.

Q. What do you mean by acute?

A. If a gentleman takes a large dose, and is known to have taken it, and perhaps sixteen days afterwards he is known to have died from it, I should call that acute.

Q. It would point rather to the administration of a large dose than a succession of small doses?

A. Not if I have to consider a number of illnesses about which I know nothing.

DATE OF THE FATAL DOSE.

Q. You were asked to give your opinion as to when the fatal dose was administered, and you fixed Friday, the 3rd of May. I want to know why you fixed that date?

A. I had that date in my mind.

Q. Now this is what Dr. Humphreys tells us: That on that day Mr. Maybrick had taken a Turkish bath; that he came home, and in language which conveyed to Dr. Humphreys that it was as soon as he came home, he was sick and vomiting, and that the only thing further that he complained of was pain in both thighs, which he had rubbed with turpentine to relieve the pain. Now, is it not a fact that when pain in the legs is associated with arsenical poisoning, it is with cramp or pain in the calf of the leg?

A. Yes.

Q. Have you ever heard, or can you refer to any case with that symptom of arsenical poisoning?

A. I cannot.

Q. Now, what was the great illness, that you refer to on Friday?

A. I was told that he was unable to retain anything in his stomach for several days.

Q. That I am afraid does not fit with the other evidence, but it does not matter at present. Now, I will put on some leading symptoms. It is a leading symptom to vomit?

A. Yes.

Q. According to your reading, how soon after administration of arsenical poisoning do you expect diarrhœa to set in?

A. Varying from hours to days.

Q. Ordinarily?

A. I cannot say to that.

Q. Is not the ordinary condition of things that diarrhœa sets in within two hours after the administration of the article?

A. I am inclined to think not, but I speak from reading.

Q. You are aware in this case that Dr. Humphreys has told us that it set in on Thursday, the 9th?

A. I said that I noticed something on the 7th.

Q. Do you desire to express any difference from Dr. Humphreys as to what I have told you?

A. I noticed something on the 7th, and it gradually increased, as I understand. I take Dr. Humphreys, of course, to be correct, but I make that statement within my own personal knowledge.

Q. Now, I ask you if there had been an administration of poison, causing the illness which began on the 28th of April and appeared intermittently, would there not have been a marked appearance of diarrhœa long before? Humphreys and Carter.

A. I should say it would be rather unusual.

I will not presume to make any further comment about this evidence than that I do not understand what Dr. Carter means, and that I do not think any of my medical readers will derive any definite instruction from it. It appears to me to be shortly this—that there are distinctive *symptoms* of arsenical poisoning in the case of *acute poisoning*, and that there are other distinctive symptoms in the case of *chronic* poisoning (or poisoning by small doses), and that *acute* poisoning means any case where the "last symptom of all—death" occurs, and that the *symptoms* are "often these and often not"!! Actual symptoms.

Well, now, what were the actual *symptoms* in James Maybrick's illness, which neither Dr. Humphreys nor Dr. Carter could diagnose, that he was suffering from arsenical poisoning during life, nor from the *appearances* of the body at the post mortem, but which these two medical men said were *symptoms of arsenical poisoning* when the analysts had found "the diagnostic thing"—the $\frac{1}{10}$th of a grain of arsenic in the body after exhumation?

I think the most convenient way will be to set them out in the form of a diary from the evidence of Dr. Humphreys and Dr. Carter, giving under each date the *symptoms* and the *treatment*, and then my readers will be able to see how many of the *symptoms* which these two doctors (who neither of them had any practical experience of a case of arsenical poisoning) said ought to have exhibited themselves—and compare them with what symptoms did, in fact, exhibit themselves, and then it will be convenient to set out the opinions of the medical men who gave evidence as to what the symptoms of arsenical poisoning should be, and what their opinion upon the symptoms that were actually exhibited was, in regard to the question whether they furnished a diagnosis of arsenical poisoning.

28th of April. *Dr. Humphreys*, who was the nearest doctor, and was at the time in attendance on the children, although he had never attended James Maybrick before, was hurriedly sent for by Mrs. Maybrick at 10-30 a.m. 28th April. Dr. Humphreys.

At the Inquest, Dr. Humphreys said:—

SYMPTOMS.

"I found him in bed, Mrs. Maybrick being by his side. He complained about a great fear or anxiety about the region of his heart, and was frightened of dying; further, that he was afraid of paralysis coming on. The symptoms came on after breakfast, and he attributed them to a strong cup of tea which he had taken, and *as tea had produced similar symptoms before*, he had made Symptoms 28th April. Dr. Humphreys.

Humphreys and Carter.

up his mind to give it up. Further, he complained of headache, *which he had for nearly twelve months*, dating from the Ascot races. He also spoke of stiffness in his extremities. The previous day he had been to the Wirral races, and after the races he went to dine with a friend, and owing to a twitching of the arm he spilled some wine on the table, and was afraid his friend would think he was drunk."

[NOTE.—*The friend with whom he dined was Mr. Hobson; but for some reason altogether unintelligible to me, he was not called either at the Inquest, the Magisterial Inquiry, or at the Trial. I should like to see what the "particulars taken" by the Police were of what Mr. Hobson had to say.—A. W. McD.*]

TREATMENT.

Treatment.

"I prescribed some soda and milk—to take no solid food—and some medicine, prussic acid."

"I was called in again in the evening, and it was about ten o'clock when I arrived. Mrs. Maybrick and Mr. E. Maybrick were with him. He was better of all he had complained of in the morning, but now he complained of stiffness in the legs."

At the Magisterial Inquiry:—

"On Sunday morning, April 28, I was called in to see Mr. Maybrick. He was at that time in bed. Mrs. Maybrick was there. He complained of a fear of dying and a peculiar feeling about his heart. He was afraid of paralysis coming on, and *I asked him when the symptoms had commenced, and he said that morning*—adding that he attributed them to a strong cup of tea,—and *as he had had strong tea before, and had suffered from similar symptoms* he intended to give up drinking tea. He also complained of a dirty tongue, and said he would be glad if I could clean it for him.

"On that day, 28th of April, I attributed his illness to *indigestion*, which I presumed he had been suffering from for some time, owing to the furred condition of his tongue, and the special attack of which he complained that morning to be due to tea. *He gave me the history of his case for years back*, and he stated that on the 27th of April he went to Wirrall races, but he did not feel well all day.

Mr. Swift: In your opinion what was he suffering from?

A. Indigestion.

. . . . . .

Q. During the time you were attending him was he suffering from stiffness after the first day you saw him?

A. Yes. On Sunday, April 28th. On the *Sunday night* he sent for me, saying he had *stiffness in both limbs, but that soon passed off*. There was no stiffness of the limbs after that day.

. . . . . .

Q. You attended him from the 28th of April until the day of his death?

A. Yes.

Q. For some days after you began to attend him you had no reason to believe that his symptoms arose from anything but natural causes?

A. I had not.

Q. They were symptoms of indigestion and congestion which might be produced by a variety of causes?

A. Quite so.

. . . . . .

Q. You told us he gave you a history of his symptoms going back for some years. Humphreys and Carter.

A. Yes.

Q. Did he tell you then that he had suffered from *numbness of the limbs*?

A. He never complained of *numbness of the limbs*, although he complained of numbness in one of the little fingers and one of his third fingers.

Q. Did he tell you of symptoms from which he had suffered for some years?

A. He told me he had consulted medical men for some years. He gave me a history of his illnesses, but did not describe the symptoms; but I do not think they were appearances of his symptoms that day.

Dr. Humphreys had said nothing about the warning given him by Mrs. Maybrick about his taking a white powder, and about his questioning James Maybrick in consequence about strychnine and nux vomica, which I have already set out. Dr. Humphreys had said nothing about this having occurred on this Sunday, the 28th, when he was first called in, either at the Inquest or in examination in chief at the Magisterial Inquiry; but the fact was elicted from him *in cross-examination*. The reticence of Dr. Humphreys about this, when he was referring to the history James Maybrick had given him on this same occasion of his illnesses for years past, is very odd, and I just note it as I pass. Dr. Humphreys.

At the Trial, Dr. Humphreys said:—

Q. When were you first called in to see Mr. Maybrick?

A. On Sunday, the 28th of April.

Q. At what time was that?

A. About eleven o'clock, or a few minutes to eleven o'clock.

Q. Where did you see Mr. Maybrick?

A. In bed. Mrs. Maybrick was present when I saw him.

Q. What did Mr. Maybrick say?

A. He said to me that he was not well.

Q. Did he complain that morning of some peculiar condition?

A. Yes; about his chest and heart. He was afraid of being paralysed.

Q. Did he say so to you?

A. Yes.

Q. Did you ask him how long he had been suffering from these symptoms?

A. *He said they came on that morning.*

Q. Did he assign a cause?

A. Yes; he said it was the result of a strong cup of tea.

Q. *Did he say whether he had experienced these symptoms before?*

A. *Yes; he said that tea had on other occasions produced similar inconveniences;* and whilst there his hands were so unsteady and twitching that he upset some wine, and that he was greatly distressed lest his friends would think that he was drunk. I attributed the symptoms to distress and palpitation of the heart.

The Judge: *Would a cup of strong tea have produced all these symptoms?*

A. Not usually, my Lord, *but I have known it to do so.* He complained as to the state of his tongue, *saying it had been furred for a long time*, and that he could not get it clean. He said he had been at the Wirral races, and before starting, on going downstairs, he felt very funny and his legs were stiff, and during the whole of the day he was at the races he felt in a peculiar state, in a dazed condition. After coming from the races he went to dine with a friend

Humphreys and Carter.

Q. Did you *prescribe* anything for him? What did you give him?

A. I gave him some *dilute prussic acid*, and advised him to drink nothing but soda and milk that day. He told me he had not been well the previous day.

Dr. Humphreys.

Q. *If you had known he had been sick on the previous day would you have attributed it to the cup of tea taken that morning?*

A. *Probably not.* (Laughter.)

Now I must just stop and direct the attention of my readers to this last question and answer, and ask them whether they approve of such absolute buffoonery in a Criminal Court. It is a question and answer that may be suitable for Sambo and Pompey at a nigger entertainment, but it is absolutely outrageous for a Crown Counsel and a medical man at a Trial for Murder!

Dr. Humphreys having answered that question, went on :—

"I saw him next on the evening of the same day, and the witness Cadwallader met me. Deceased was then in quite a different condition from that presented a few hours before. *All he complained of in the morning had disappeared, and he was not then suffering from stiffness of the legs. He showed me Dr. Fuller's prescription in the morning, after which I directed him to discontinue it, and gave him another prescription to replace it. Deceased knew he was taking nux vomica in the prescription Dr. Fuller had given him, and he had an idea that the stiffness in the limbs was due to that.* He was a man who prided himself on his knowledge of medicine."

Q. You say that after having seen him three times only.?

A. Oh, no. He told me so himself, he said, "Humphreys, I think I know a great deal of medicine. I have read a good deal of medicine." *And knowing he was taking nux vomica, and he thought the stiffness of the preceding morning* [27th of April, the day of the Wirral races] *was due to that, consequently I advised him not to take any more.* He said his *liver was wrong*, and I made *an examination of him, and I did not contradict him.* He also complained of other things already referred to. I remained with him for about an hour, and advised him to stay in bed the following morning.

Q. Did he say anything about his friends saying he was hypochondriacal?

A. Yes, but he said "I am not; I know how I feel."

Q. Anything about *mustard and water* being used?

A. I do recollect something about mustard and water, but when I don't know. I called again on the deceased in the evening, and found him in bed, *having been sent for as Mr. Maybrick was suffering from stiffness in the limbs—the two lower limbs. I prescribed for that bromide of potassium and tincture of henbane.*

Cross-examined :—

Q. You were in attendance upon the late Mr. Maybrick continuously from the 28th of April until he died?

A. I was.

Q. Therefore you know something of the history of the case, and the symptoms manifested during its progress?

A. Yes, sir.

Q Now, when you saw him on the 28th, the day after the Wirral races, did he give you a history of what he had gone through the day before?

A. Yes.

Q. Did he tell you that he had been at the Wirral races riding?

A. He told me that he had been there on horseback.

Humphreys and Carter.

Q. He had been there riding? I do not suggest that he was riding in the races.

A. Yes, he was there on horseback.

Q. He said he did not feel very well, and that he had got wet?

Dr. Humphreys.

A. He said that he was not very well, but did not tell me that he got wet.

Q. I don't know whether you are able to recall from your recollection the weather on that day?

A. I cannot.

Q. You don't know whether it was in fact a wet day?

A. I do not.

Q. Did he tell you that he had dined with a friend over the water?

A. He said he had dined with a friend.

Q. Did he tell you that he had been taken ill during the dinner?

A. He said that he had been seized with some twitchings of the arm.

Q. Let me understand clearly, please, the symptoms which he repeated to you. He made a reference to a strong cup of tea, did he not?

A. He did.

Q. And he attributed the nervous symptoms to that fact?

A. He did.

Q. It is a fact if a man has a weak action of the heart that a strong cup of tea might produce nervousness?

A. Yes, I think it might be the case without a man having a weak heart.

Q. He also complained, did he not, of headache?

A. Yes.

Q. Was it of long standing, do you know?

A. It had existed for about twelve months.

Q. I don't know whether you remember he said that he had suffered from headache as far back as the Ascot races that year?

A. He told me so.

Q. I think he further complained of pains on the left side in the region of the heart?

A. It was not a pain, it was a discomfort. An indescribable feeling of nervousness which I presume was from palpitation.

Q. It was in the neighbourhood of the heart?

A. Yes, on the left side.

Q. Now, on the evening of the same day you were called in again?

A. I was.

Q. And you found him on that occasion complaining of a stiffness of the lower limbs?

A. Yes.

Q. That would be natural if he had been riding and caught cold?

A. I should not expect such symptoms as this from a man riding and catching cold.

Q. This stiffness; what would you call it? How do you suggest it arose?

A. I think it arose from a mental condition from the conversation I had had with him in the morning.

Q. I do not understand how the stiffness of the lower limbs is connected with his mental condition. From his conversation in the morning do you mean to suggest that he fancied his limbs were stiff?

A. I won't say that altogether he fancied they were stiff, but after I got there the stiffness passed away in two or three minutes.

The Judge: Could you feel if the muscles were stiff?

A. Upon rubbing them a few minutes and taking his attention away from the stiffness the symptoms seemed to disappear.

Sir Charles Russell: Where was the stiffness?

A. In both limbs, extending from the hips down to the feet.

Humphreys and Carter.

Q. Along the sciatic nerve?
A. The sciatic nerve and the whole limb.
Q. Did you connect that with the nux vomica in your own mind?
A. Yes, from the conversation I had with him in the morning.

Dr. Humphreys.

Q. Which was?
A. About the nux vomica. He told me he knew the symptoms of nux vomica, and he said he thought the stiffness was due to that and to Dr. Fuller's mixture.
Q. Did you accept that as a full explanation?
A. Yes.
Q. You found him next day suffering from a dirty tongue?
A. Yes.
Q. That, in your opinion, was symptomatic of chronic derangement of the stomach?
Yes.

This is the whole of the evidence as to the *symptoms* and *treatment* of the 28th of April.

29th April.

29th April, Monday. Dr. Humphreys at the Inquest:—

"I saw him on Monday; he then stayed in bed at my request. I knew there was no return of the symptoms, except the tongue, which was dirty. I made a change in the treatment. I prescribed a diet for him. For breakfast, he was to take some coffee, some toast, and some bacon; for luncheon, some beef tea, with Revalenta Arabica, and Du Barry's Food; and for dinner, he was to have, on alternate days, chicken and fish. For medicine, I prescribed him a medicine called *Papaine Iridin—Seymour's*, that is the person by whom it is prepared. Then after that, I told him I would call again on Wednesday evening, after business."

Dr. Humphreys at the Trial:—

"I called shortly after 10 o'clock; I found him in bed, where he had remained by my request. *He did not complain of anything, and all the symptoms had disappeared, except the furred tongue. I made an examination of him and arrived at the conclusion that he was a chronic dyspeptic*, and prescribed a dietary for him in writing, and gave it to him himself. I believe I saw Mrs. Maybrick every day I was at the house. The dietary consisted of coffee, toast, and some bacon for breakfast; some Revalenta food and tea for luncheon; and for dinner, he was to take alternate meals of fish and bacon. *I prescribed for him Seymour's preparation of Papaine and Iridin.* The papaine was a vegetable digestive, and the iridin a slight laxative to act on the liver. The quantity to be taken was one teaspoonful three times a day."

Cross-examined:—

Q. You found him suffering from a dirty tongue?
A. Yes.
Q. That, in your opinion, was symptomatic of *chronic* derangement of the stomach?
A. Yes.

30th April.

April 30, Tuesday.—Dr. Humphreys did not see the patient.

1st May.

May 1, Wednesday.—Dr. Humphreys at Inquest—

Q. Did you call on Wednesday, 1st of May?
A. I called on Wednesday about half-past six p.m.

Humphreys and Carter.

Q. How did you find him?
A. *I found him better.*
Q. He had no headache?
A. No.

Dr Humphreys

Q. Was his tongue cleaner?
A. It was cleaner; yes.
Q. Did he appear to be making progress?
A. Certainly. On leaving him on Monday, the 29th, I promised to call again in the *evening on Wednesday, May 1st.* This I did, and found Mr. Maybrick much better. I advised him to continue the same treatment. Mr. Maybrick told me I need not call again as he would call on me.

Cross-examined:—

Q. On Wednesday, 1st of May, you found him better?
A. I did.
Q. His tongue cleaner?
A. His tongue was cleaner than it was on Monday.
Q. And his headache gone?
A. Yes.
Q. You saw him on the 1st of May *after he had returned from business,* somewhere about half-past six in the evening?
A. *I did.*

Edwin Maybrick.

I will add to this history of the symptoms from the 27th of April to the 3rd of May Edwin Maybrick's evidence at the Trial—

"I am a cotton merchant in Liverpool, and spend a good deal of my time in America. On the 25th of April this year I returned from that country, and on the 26th I first saw my brother at his office. I dined with him that evening, and at that time he seemed to be in his usual health. As far as my knowledge extended, he on the whole enjoyed very good health. From time to time he took ordinary liver medicine. On Saturday, the 27th of April, I saw him for a moment when passing to the Wirral races, and on the next day I went out to his house by the one o'clock train in the afternoon. I found him lying on the sofa, apparently ill. He informed me that he had been seized with illness on the previous morning, but that, feeling somewhat better, he had gone out to the Wirral races, where he had not felt himself the whole day. He also said that he had numbness in the legs, and in the hands. After he retired, about eight o'clock in the evening, his wife sat talking to me in the breakfast-room for nearly an hour. A ring then came from the chamber bell, and Mrs. Maybrick went upstairs. I followed, and found deceased in bed, almost without the use of his legs and right hand. His wife rubbed his legs, and I did so afterwards, and then Dr. Humphreys came. I stayed at the house on Sunday night, at my brother's request, and on Monday morning, the 29th, I found him rather better. I went out, and did not see deceased again till the next day [Tuesday, the 30th]. He was then pretty much the same as on Monday. On Wednesday, the 1st of May, deceased went to business, *and I took him his luncheon* in a *brown jug from the house.* It consisted of farinaceous food, which was warmed in a saucepan, and the deceased, after eating it, said the cook had put sherry in it, which she knew he did not like. *He afterwards said he had not felt well since his luncheon,* and at dinner at Battlecrease, the same night, he was not so well as in the morning. He did not complain of anything in particular. On the Friday, 3rd of May, and Saturday, 4th of May, I did not see him, nor on the Sunday, 5th of May, till five p.m., when I went to the house and found him ill in bed."

Humphreys and Carter.

Cross-examined :—

Q. When did you arrive at Battlecrease?

A. On the 25th of April.

Edwin Maybrick.

Q. Were you backwards and forwards at Battlecrease up to the time of your brother's death?

A. Yes.

Q. Did you sleep at the house a number of days?

A. Yes.

Q. How many?

A. I slept there on the 28th of April—the Sunday after I arrived—and on the Tuesday, the 30th of April, and not again until Sunday, the 5th of May; and then I slept there every night until his death.

Q. And with the exception of a few nights you were there all the time?

A. Yes.

Q. Did Mrs. Maybrick seem attentive to her husband?

A. Yes.

Q. Did she sit up at night?

A. Yes, most nights, I believe. I understand so.

Q. Were you in the house on Sunday, the 28th April?

A. Yes.

Q. Were you there when she sent for Dr. Humphreys on the Sunday

A. Yes, in the evening; he had already been there in the morning before I arrived.

Q. Were you there when she sent for him in the first instance?

A. No.

Q. He was the only medical man living near to the house?

A. Yes, he lived only ten minutes' walk away.

Q. What was the day on which you took down food to the office?

A. Wednesday, 1st of May.

Q. Can you tell me if the previous occasion on which food was taken to the office was Tuesday, 30th of April?

A. The only days on which food was taken to the office were Wednesday and Thursday, May 1st and 2nd.

Q. Now I ask you this, Did you learn how the food affected your brother on the Wednesday? *Do you suggest that he was sick after it?*

A. *By sick do you mean vomiting? Oh no, I do not suggest any such thing.* I have never stated that. I spoke to him on that occasion and he said *he did not feel so well since his luncheon.*

Q. Is it not a fact that you dined that day at Battlecrease?

A. Yes. The company consisted of Captain Irving, of the White Star Line, myself, my brother, and Mrs. Maybrick.

His Lordship: The food was taken down by you on Wednesday, the 1st of May, and by some one else on Thursday, the 2nd of May. Which day was it when you asked him how he felt and when he said he *did not feel so well after his luncheon?*

Sir Charles Russell: That was on the Wednesday, my lord. It was the day when he had dinner at home with Captain Irving and his brother.

I will add to this that, at the Inquest, when Edwin Maybrick gave similar evidence, there was a variation in it which is of some importance as bearing upon a suggestion that was made, that Mrs. Maybrick had put arsenic into the food ordered by Dr. Humphreys to be taken at luncheon, and which was prepared at the house by the cook, tied up by Mrs. Maybrick, who asked Edwin to carry it

down to the office for his brother on Wednesday, the 1st of May, and which James Maybrick warmed up at the office and eat. Edwin Maybrick at the Inquest said :— Humphreys and Carter.

"On Wednesday, the 1st of May I was in Liverpool and saw the deceased at his office. He said he was unwell, and from my own observations I judged he was rather unwell. *This was before luncheon, and after luncheon he was not so well as before.* He had had something which was brought down from Battlecrease—some farinaceous food."

Now it was a significant omission in Edwin Maybrick's evidence at the Trial that he said nothing about James Maybrick being unwell *before* he took this luncheon, and only said—

"He afterwards said he had not felt well since his luncheon !"

which answer impressed the Judge so much that he specially directed attention to his feeling unwell *after his luncheon!* That omission of Edwin Maybrick's, to say the least of it, was remarkable and unfair, and how it escaped the attention of Sir Charles Russell I cannot understand.

I stop at this point because up to this time James Maybrick was out and about, and would be able to take his own medicines and food. He had, in fact, only been in bed one day, namely, on Monday, the 29th, when he stayed there at Dr. Humphreys' request; and as to that day, even Dr. Humphreys said "He did not complain of anything. All the symptoms had disappeared except the furred tongue," and as to the furred tongue it will be remembered that James Maybrick had told him he had had it for months. Moreover, Dr. Humphreys on that day made *an examination of him*, and came to the conclusion he was a *chronic dyspeptic*, and treated him accordingly—prescribed a diet for him, and said he would call in a couple of days afterwards and see him in the evening after business. It will be remembered that *only on one occasion, namely, on Sunday night, the 28th*, had James Maybrick complained of any stiffness of the limbs, and Dr. Humphreys' account of this at the Inquest was :—

"On the evening of Sunday, the 28th, I was specially called in. I arrived about 10 o'clock p.m. and found him in bed. Mrs. Maybrick and Mr. Edwin Maybrick were with him. *I found him better of all he had complained of in the morning, but now he complained of stiffness in the lower limbs. I took hold of his legs and rubbed them for a moment and bent them at the knee, and told him to do the same himself. He did so, and sat up in bed. I left him in about half an hour.*"

It will be remembered also, as to this stiffness of the limbs, that James Maybrick had given Dr. Humphreys a history of his symptoms for years—he had a fear of paralysis, and had spoken of having for a long time been subject to numbness in the fingers of his hand.

Humphreys and Carter.

Moreover, that for years, extending from 1881 to 1888, he had been constantly consulting Dr. Hopper, who said at the Trial—

Dr. Hopper.

Q. Did he complain of numbness?
A. Yes, that was a frequent complaint.
Q. Numbness in what part?
A. In the extremities.
Q. What part of the extremities?
A. *In the hands, feet, and also legs.*
Q. That was a symptom he frequently complained of?
A. Yes, frequently.

Dr. Drysdale.

Then, again, Dr. Drysdale, in his evidence at the Trial, said that James Maybrick had been consulting him from November, 1888, to 7th March, 1889:—

"He said he had been complaining for three months. He was suffering from attacks of pains from side to side of the head and creeping all over his head, preceded by pains on the right side of the head and a dull headache. He was never free from pain except early in the morning and possibly in the forenoon. There was no foul taste in his mouth. *After smoking much, or taking too much wine, he became numb down the left leg and hand,* and liable to eruption upon the skin. These were the symptoms of which he complained."

Q. What did he complain of on the 7th of March?
A. He stated he had been better during the interval, but never more than two days quite free from headache, although it was not quite so bad, and a little creeping sensation. He had no aggravation after eating. His tongue was a little furred, and *there was still pain and numbness of the left leg,* but not so bad.

Dr. Fuller

Then again, Dr. Fuller, whom James Maybrick consulted on the 14th of March, said, in his evidence at the Trial:—

"I saw Mr. James Maybrick and made an examination of him; he complained of pains in his head and numbness, and said he was apprehensive of being paralysed."
Q. What made him think that?
A. He had lost some sensation, and felt numb. The examination lasted over an hour. I found there was nothing the matter with him. I told him there was very little the matter with him, but that he was suffering from indigestion, and I was perfectly certain there was no fear of paralysis.

3rd May.

So then the "symptoms of arsenical poisoning" up to the midnight of Friday, the 3rd of May, amounted to this: that on the 27th of April, before starting to the Wirral races, he was *sick* after taking an overdose of some London medicine—as to the nature of which or where it came from no disclosure was made at the Trial, and that he felt *numbness* in his legs; and that after riding all day at the races and getting wet through, and going to dine at a friend's house and returning home late at night, he, the next morning, Sunday, the 28th of April, was taken ill, and Mrs. Maybrick gave

him some mustard and water *to make him sick*, telling him it would *remove the brandy* at all events; and it did make him sick. In the meantime Dr. Humphreys had been sent for, and James Maybrick gave him a history of his symptoms for years, and among them told him of the *numbness in his fingers*, which he was subject to; and Dr. Humphreys having been warned by Mrs. Maybrick that he was "dosing himself" with some white powder questioned him about strychnine and nux vomica; and James Maybrick said he could not stand *nux vomica*, but Dr. Fuller had put some in the medicine he had prescribed for him, and Dr. Humphreys agreed with him that the *nux vomica* might have caused the *numbness in his legs* the day before, when starting for the Wirral races, and ordered him to discontinue taking it, and gave him prussic acid instead—that he did not mention having been *sick* the day before, but attributed his being taken ill to a cup of strong tea he had just taken, and as to which Dr. Humphreys also agreed with him, and put him on a diet excluding tea—that he had not any numbness of the limbs then; but in the evening Dr. Humphreys had been sent for again, and James Maybrick then complained, for *the first and only time*, of numbness of the legs, which Dr. Humphreys put right by rubbing them for a minute! and as to any pains in the head and furred tongue they were complaints which James Maybrick had suffered from for months! and there being no other *sickness*—no diarrhœa, no more pains in the limbs, Dr. Humphreys came to the conclusion that he was a chronic dyspeptic, and treated him accordingly: and when he saw him on Wednesday, 1st of May, there was no occasion for him to see him again!

Humphreys and Carter.

Now I do not think, such being the symptoms, that any of my readers—either medical or general—now that the excitement over the Maybrick Mystery has subsided, can come to any other conclusions but that up to Friday evening, 3rd of May, at all events, there were absolutely no symptoms of arsenical poisoning, and that all my readers will wonder how out of such materials Mr. Addison could seriously put it even to a Liverpool Common Jury as the case of the Crown:—

"It was on the 27th of April that the first illness occurred, which we say was caused by arsenic"!

We now come to the next stage.

May 3rd, Friday.—Dr. Humphreys at the Inquest said:—

3rd May. Dr. Humphreys.

Q. I believe you did not see him on Thursday, the 2nd of May?
A. No.
Q. On Friday, May 3rd, did you see him?
A. Yes, he sent for me before he went to business.
Q. Did he tell you how he felt?
A. He said he did not feel very well.

Humphreys and Carter.

Q. Did he define his feeling?

A. *I don't remember that he did.*

Q. Did he tell you what he thought of his medicine?

A. Yes, he thought his medicine was not agreeing with him.

Dr. Humphreys

Mr. Pickford: That was the medicine (*Papaine iridin*) the name of which you told us?

A. Yes.

Mr. Bryning: Did you advise him as to its continuance?

A. I said, "Go on as you are doing for another two or three days. *I cannot see that you are any worse, but certainly your tongue is not so clean as it was on Wednesday.*"

At the Magisterial Inquiry Dr. Humphreys did not give any evidence about this.

At the Trial, Dr. Humphreys said:—

"On Friday, 3rd of May, I received a message to go and see Mr. Maybrick. It would be about 10 a.m. I found Mr. Maybrick in the morning-room on the ground floor. He said *he had not been so well since the day before*, and he added that he did not think my medicine agreed with him. Mrs. Maybrick was present and said: "You always say the same thing about anybody's medicine after you have taken it two or three days." I said to Mr. Maybrick, "*I really cannot see anything the matter with you. Your tongue is certainly not so clean as it ought to be, but otherwise I cannot see any difference in you.* My advice is to go on the same for two or three weeks. The medicine cannot disagree with you, as *it tends more to assist your digestion than anything else.*" Mr. Maybrick than asked me *whether he ought to have a Turkish bath*, and my reply was in the affirmative. Later on in the day I saw Mr. Maybrick, at about 4 o'clock, but he only said "Good afternoon."

In cross-examination:—

Q. On the 2nd of May you did not see him?

A. No.

Q. On Friday, 3rd May, he complained of his medicine not agreeing with him?

A. Yes; he thought his medicine did not agree with him.

Q. Mrs. Maybrick made an observation that he had frequently said that about other medicines?

A. Yes.

Q. And you said to him that you could not see that there was anything the matter with him?

A. Quite so.

Q. And that was your view?

A. *Yes; I could see nothing worse with him than that his tongue was a little more furred.*

Q. In other words they were the symptoms of some gastric disturbance—dyspepsia, greater or less?

A. I was of the same impression as I was on the previous day.

Now at this time, up to this Friday, the 3rd, when after giving James Maybrick permission to have a Turkish bath, and seeing him in the afternoon in the same health, it is clear that not only did Dr. Humphreys see no symptoms of arsenical poisoning or of any irritant poison, but that there were in fact no such symptoms.

James Maybrick had taken his lunch at the office on Wednesday, the 1st and Thursday, 2nd—the only two days on which it was taken to the office. He had not been sick, nor indeed up to this Friday afternoon had any single symptom of arsenical poisoning or of any irritant poison presented itself, and I again repeat with wonder that Mr. Addison in stating the case for the Crown said:— Humphreys and Carter. 3rd May.

"It was on the 27th of April that the first illness occurred, which we say was caused by arsenic."

It was certainly not on account of any symptoms of arsenical poisoning that Mr. Addison evolved that extraordinary theory!

But on the Friday night, the 3rd of May, James Maybrick was seized with a serious illness, and Dr. Carter, who was called in on the following Tuesday, the 7th of May (in consultation with Dr. Humphreys), stated at the Trial his theory, which, as a serious illness did occur that Friday night, is at all events a more intelligible theory than Mr. Addison's. It did not occur to Dr. Humphreys, but Dr. Carter said at the Trial—he had not said so at either the Inquest or Magisterial Inquiry, or apparently thought of it—but I suppose he had thought it out in the meantime, and anyhow, at the Trial, he said:—

"I judged that the fatal dose *must have been given* on Friday, the 3rd of May, *but a dose might have been given* after that. When he was so violently ill on the Friday I thought it would be the effects of the fatal dose, *but there must have been subsequent doses.*

We have got two "musts" here and one "might!" and in cross-examination Dr. Carter explained himself thus:—

Q. You were asked to give your opinion as to when the fatal dose was administered, and you fixed the 3rd of May. *I want to know why you fixed that day?*

A. *I had it on my mind.*

Q. Now what was the great illness which occurred on Friday, the 3rd of May?

A. *I was told* that he was unable to retain anything on his stomach for several days.

Sir Charles Russell: That, I am afraid, does not fit with the other evidence, but it does not matter at present.

Well, whether it matters at present or not, the illness which attacked James Maybrick on that Friday night, the 3rd of May, was the fatal illness. James Maybrick never afterwards left his bed, and died on the 11th of May. But whether it was a fatal illness caused by a fatal dose of arsenic, and, if so, whether it was feloniously administered by Mrs. Maybrick, are the questions which form the *crux* of the Maybrick case; and I direct the special attention of my readers to the evidence as to the symptoms of that illness, and the treatment.

Humphreys and Carter.

As Dr. Carter was not consulted until the 7th of May, Dr. Humphreys' evidence is the only evidence that was given concerning this illness in its early stages.

Dr. Humphreys.

At the Inquest Dr. Humphreys said :—

"I was called in again between half past eleven and twelve o'clock midnight to see him. He was in bed and *complained of great pain in both thighs*, which had been rubbed. Turpentine had been applied to relieve the pain. He also *complained of having been sick twice since he had* come from town. I introduced *morphia suppository*."

Superintendent Bryning: Did he say anything about *his lunch on the previous day*, Thursday, the 2nd?

A. Yes, he said some inferior sherry had been put into it, and that it made him as bad as ever again.

Mr. Pickford: Put into what? I suppose you mean his beef tea?

A. Yes.

3rd May.

I must remark here that he had not taken lunch on that day, and that James Maybrick by referring to what he had taken in his lunch on the *previous day*, could hardly be understood as suggesting that the inferior sherry which he had taken for lunch on Thursday was the cause of his being *sick* after his return home from business on Friday evening. Besides, Dr. Humphreys had seen him on the morning of this Friday at ten o'clock, and had said to him :—

"I really cannot see anything the matter with you."

But in the midst of the excitement over the Maybrick Mystery it really appears to have been taken for granted that James Maybrick was attributing being *sick twice* after his return home on Friday evening to some inferior sherry in his lunch on Thursday. The "wish was father to the thought" with those who were getting up the case against Mrs. Maybrick. Mr. Davies had found a trace of arsenic in the rinsings of the vessels in which James Maybrick prepared his lunch at the office, and as vomiting is one of the symptoms of *arsenical poisoning*, they jumped at the conclusion that if arsenic had been put into his lunch on *Thursday*, he would have waited to vomit until after his return home on *Friday* evening. However, when Dr. Humphreys came to see him on Friday night at midnight there were two symptoms, *great pain in both thighs*, and he had been *sick twice since his return home that Friday evening*. Dr. Humphreys then went on, and it will be perfectly clear from his evidence not only that those symptoms did not suggest arsenical poisoning to him, but that they did not even suggest that the sickness arose from any irritant poison at all, or he would have examined the vomit to see what was the cause of the sickness.

"I do not remember his saying anything about green bile. All this was in Mrs. Maybrick's presence. I do not remember that he said what his

luncheon consisted of. I might have suggested sherry to make it more palatable, as what he was taking was so insipid. His luncheon was to be warmed and taken at his own office." Humphreys and Carter.

At the Magisterial Inquiry :— Dr. Humphreys.

"I attributed his sickness once to inferior sherry introduced into his food. I may have ordered sherry to flavour his food, which he said was insipid."

At the Trial :—

"About midnight of Friday, 3rd of May, I was called up to see Mr. Maybrick. He was then in bed, and in great pain. *The pain was in the two thighs, running from the hips down to the knee.*"

Q. Who was present when you saw him in bed?

A. Mrs. Maybrick.

Q. Had anything been done to alleviate the pain?

A. Yes, they had rubbed his legs with turpentine.

Q. Where had this rubbing been applied?

A. To the inner aspect of the thighs.

Q. Was there any rubbing going on in your presence? Did you rub or apply your hand to the part?

A. I am sure I did.

Q. *What sort of a pain?*

A. *He complained of a gnawing pain.*

Q. *Not pain from pressure?*

A. *No. It extended from the hips to the joints, and was more particularly located in the back aspect of the joint.*

Q. That is the seat of the great sciatic nerve?

A. It is.

Q. Do you know that he had taken the Turkish bath spoken of in the morning? *Did you connect his symptoms in any way with that?* Turkish Bath.

A. *I did.*

Q. *In what way?*

A. *I thought it might have been caused by an excessive jack towelling and rubbing.* Mr. Maybrick told me *that when he arrived home that day he was sick.*

The Judge: That was after the Turkish bath?

A. Yes. That he had been *sick twice after arriving home*, and he said he thought it was due to some inferior sherry having been put into Du Barry's Revalenta Food. I did not inquire whether it was in or not. As the pain continued I gave him *morphine suppository.*

The Judge: What is that?

A. It is in the form of small capsules of gelatine, which is mixed up with *morphia* and introduced into the bowels instead of swallowing. There was a *quarter of a grain* in one of them, which had been prescribed for Mrs. Maybrick *at one time or another.*

It does not appear how Dr. Humphreys knew what this morphia suppository, which had been prescribed for Mrs. Maybrick some time or other, contained; but he says it contained a *quarter of a grain of morphia.* If it did, my medical readers will be able to consider whether the idea had occurred to Dr. Humphreys that the symptoms were those of any irritant poison. Morphia suppository.

Then, in cross-examination, Dr. Humphreys said :—

Q. On Wednesday, the 1st of May, you found him better?

A. I did.

Humphreys and Carter.

Q. His tongue cleaner?

A. His tongue was cleaner than it was on the Monday.

Q. And his headache gone?

A. Yes.

Dr. Humphreys.

Q. You saw him on the 1st of May, after he had returned from his business, somewhere about half-past six in the evening?

A. I did.

Q. On the 2nd of May you did not see him?

A. No.

3rd May.

Q. On Friday, the 3rd, he complained of his medicine not agreeing with him?

A. Yes. He thought his medicine did not agree with him.

Q. Mrs. Maybrick made an observation that he had frequently said that about other medicines?

A. Yes.

Q. And you said to him that you could not see that there was anything the matter with him?

A. Quite so.

Q. And that was your view?

A. Yes. I could not see anything worse with him than that his tongue was a little more furred.

Q. In other words, they were the symptoms of some gastric disturbance—dyspepsia, greater or less?

A. I was of the same impression as I was on the previous day.

Q. On Friday, the 3rd of May, you saw him again?

A. Yes.

Q. You were sent for, and you came to see him again later at night?

A. I did.

Q. And you arrived, I think, somewhere about midnight?

A. I arrived between eleven and twelve.

Q. On that occasion you have told us he complained of pain in the sides?

A. He complained of pain in both legs, from the hips down to the knees.

Q. And it was in relation to that you suggested the application of a morphine suppository?

A. Yes, that is so.

Q. That was all he complained of in the way of pain on that occasion?

A. Yes.

Q. By the way, he said he had been sick. You understood that he had vomited?

A. Yes.

Q. He was sick twice after he had had a Turkish bath?

A. Yes, but I did not connect the two incidents. His lordship asked me the question yesterday.

Then, in re-examination :—

Q. Did he tell you on the Friday, the 3rd of May, how long he had been at home before he was taken twice ill?

A. He told me he was sick twice after he came home.

Q. Did you ask him at all whether he had his tea before he was sick; did you suggest anything to him? Did he merely say he was sick twice after he came home?

Sir Charles Russell: The witness said first that Mr. Maybrick told him he was twice ill "as soon as" he came home.

Mr. Addison: Did he say he was twice ill after he came home?

Sir Charles Russell: I must insist; the words were 'as soon as he came home."

Mr. Addison: What did he say? Humphreys and Carter.

A. The words that Mr Maybrick used to me were "he was twice sick after he came home."

Q. Very well. Have you had occasion to attend any one who has been poisoned by arsenic? Dr. Humphreys.

A. Never.

The above completes the evidence of the symptoms on the 3rd of May, and my medical readers will judge whether there is in them any sort of justification whatever either for Dr. Carter's dogmatic opinion 3rd May.

"I judged that the fatal dose must have been given on Friday, the 3rd of May"—

or for his statement as to his reason for forming that opinion—

"I was told that he was unable to retain anything on his stomach for several days"—

as to which Sir Charles Russell said—

"I am afraid it does not fit with the other evidence, but it does not matter at present"!

May 4th, Saturday.—Dr. Humphreys at the *Inquest* said:— 4th May.

"I saw him again on Saturday morning, *some time before twelve o'clock*, at his house. He was in bed. I don't remember whether any one was in the room with him. *His pain had disappeared entirely*, but *he was sick. Every time he took anything he was sick and unable to retain anything on his stomach. I advised him not to take anything. Not even water remained with him. His tongue was dirty.*"

As Dr. Humphreys did not go to see him until about twelve o'clock that morning, I must presume he did not think very seriously of the attack on the night before, nor of the symptoms of his having been "sick twice" after he had come home, and having *pain in both thighs extending down to the knees!* and as this pain had entirely disappeared, and the only symptom that remained was his being very sick, I think I may take it, as he did not examine the vomit, that that symptom did not suggest to his mind then that the cause of the sickness was any irritant poison of any kind, or he would surely have examined the vomit to see what it was—whether he had taken any bad food or bad wine, or other irritant poison of that kind, at all events.

At the Magisterial Inquiry Dr. Humphreys did not give any evidence concerning the symptoms on this 4th of May.

At the Trial Dr. Humphreys said:—

"On Saturday, the 4th of May, I saw Mr. Maybrick early, and found that *the pain had passed away*, but *there were other symptoms*, and he *was sick and vomiting. He could retain nothing on his stomach*, and *that was the common result of morphia.* I advised deceased to take nothing at all, but to abate his thirst by washing out his mouth with water, or by sucking ice or a damp cloth, but to take nothing else."

Humphreys and Carter.

It is plain, therefore, that Dr. Humphreys did not attribute the vomiting, which had, practically speaking, commenced that day, to the action of any bad food, bad wine, or other irritant poison, but to the action of the morphia, which he had himself administered the night before in the form of a morphia suppository, because, being sick and vomiting, and being unable to retain anything on his stomach, was, he said, "the common result of morphia"!! "I prescribed also some *ipecacuanha wine* for allaying the vomiting. It was a prescription either homœopathic or allopathic according to how it was regarded. *I saw him again on the Saturday, but I do not recollect the visit.*"

4th May.

Well! he administered ipecacuanha wine, he says, to allay the vomiting. I dare say a good many of my readers have had it administered to them to make them vomit! However, as Dr. Humphreys says, that is a prescription either homœopathic or, in other words, "curing like by like," curing a person of sickness by giving him something to make him sick! or allopathic, which means curing a person of sickness by giving him something that will not make him sick!

Then, in cross-examination :—

Q. On the Saturday you saw him in the morning in his house. He was then in bed?

A. Yes.

Q. The pain had disappeared?

A. Entirely, but his tongue was still dirty.

Q. And you advised that he should take no food. For how long did that continue?

A. It continued until the Monday forenoon.

Q. From the Friday about twelve o'clock up to the Monday about what time?

A. I cannot say, but it was somewhere after half-past ten.

Q. At this time, after the Turkish bath, it was the first occasion he was able to retain anything upon his stomach?

A. It was.

Q. He was suffering more from nawking than vomiting?

A. Not that day.

Q. How do you describe him on the Saturday?

A. He could retain nothing on his stomach except a little water.

Q. Do you attribute it to the morphia?

A. I do.

Q. And you have found that in persons unaccustomed to take morphia it has that effect?

A. It has in some people, according to their idiosyncrasies.

Q. With a view to stopping the retching you prescribed ipecacuanha wine. That would be upon the homœopathic principle?

A. It was upon the knowledge that small doses of ipecacuanha wine would stop vomiting.

Q. If taken in large doses it would be a thing to cause vomiting?

A. Yes.

Q. Then you applied it on the principle *similia similibus*?

A. Upon that knowledge.

That completes the evidence of the *symptoms* and treatment on Saturday the 4th of May! Humphreys and Carter.

May 5th, Sunday.—Dr. Humphreys said at the *Inquest*:— Dr. Humphreys 5th May.

"On the Sunday I found him *better* than on the Saturday. He complained of *a nasty filthy taste in his mouth, and craved for something to wash it with.* I don't know whether it was Sunday or the previous evening that *he complained of his throat.*"

Dr. Humphreys had completed his evidence of the symptoms and treatment, and was about to proceed to give his evidence about the post mortem, when the Coroner interrupted him, and the following extraordinary admission was made that he had himself administered arsenic to the patient. Dr. Humphreys knew that Mrs. Maybrick had been arrested on suspicion of poisoning her husband with arsenic, and that portions of the body were being analysed to discover any arsenic in it; and yet, at this Coroner's Inquest, which was a roving commission to hear anything touching the question of death, he told what other things he had prescribed for James Maybrick. He had heard Dr. Hopper say that he had never prescribed arsenic, and yet he, who had himself prescribed it, held his tongue about it, and but for the opportune interruptions of the Coroner, we must take it, no one would have ever heard a word about it:—

The Coroner: The superintendent is now going to examine you about the post-mortem examination. I would like to ask you, before he does so, do you make up your own prescriptions?

A. Mostly.

Q. Did you make up the prescriptions for the deceased?

A. All, except one.

I dare say my readers will suppose that that one was the morphia suppository which Dr. Humphreys had administered on Friday night, the 3rd of May, and which he said had been "prescribed for Mrs. Maybrick at one time or another;" but it was not that:—

Q. Which?

A. *Fowler's solution.* Fowler's solution.

Q. *You have not told us yet* that you had given him Fowler's solution.

A. No.

Q. Will you tell us *now* when you gave it to him?

A. *It was on Sunday or Monday.*

Q. *Do you mean the Sunday or Monday before Mr. Maybrick's death?*

A. *Yes.*

Q. What is Fowler's solution?

A *It is a solution of arsenite of potash or soda.*

Q. What dose did you order the deceased to take?

A. The dose I ordered was 1-10th or 1-15th of a drop.

Q. Do you mean 1-10th or 1-15th of a a drop of pure liquid?

A. No. 1-10th or 1-15th of a drop of Fowler's solution.

Q. Was that Fowler's solution supplied by you?

A. By me.

Humphreys and Carter.

Q. Did you send it to the house?

A. I had my bottles with me. I carry a case with me, and Fowler's solution was the contents of one. *I dropped four drops of Fowler's solution* into five tablespoonsful of water.

Fowler's solution.

Q. How was this done?

A. It was put into the patient's wineglass.

Q. Was this done in the house?

A. This was done by his bedside.

Q. Having done that, what were your instructions?

A. My instructions to the deceased were to take a few drops of this every hour.

A Juryman: Did you say how many drops?

A. I said a few drops. I gave him the first dose myself to show him what to take. *I gave him about fifteen drops*—certainly *less than half a teaspoonful.*

Q. How many drops would there be in the medicine glass?

A. There were four drops of Fowler's solution into five tablespoonsful of water.

Q. How many drops would there be in a tablespoonful?

A. 240.

The Coroner: To take fifteen drops every hour of the day?

A. Yes, every hour.

Q. *Can you say whether this was on Sunday or Monday?*

A. *I cannot be positive which day it was.* I know it was not Tuesday.

Q. Then I make out there were eighty doses in this glass if he took fifteen drops?

A. Yes, something like that.

Q. Can you say whether he took the mixture?

A. He took one which I gave him.

Q. Do you know whether he took the remainder?

A. *Mrs. Maybrick told me he took two more.*

Q. And then?

A. I don't think he took any more.

Q. Have you any reason for saying so?

A. *Yes, because he complained against it, saying it hurt his throat.*

Q. On the same day as you prescribed it?

A. No, when I saw him next day.

Q. At that time, can you say whether there was any of the solution in the medicine glass?

A. *When he complained—yes.*

Q. Do you know what became of it?

A. *My impression is I threw it away.*

Q. How much pure arsenic is there in Fowler's solution in drops?

A. One in a hundred. We call it a 1 per cent solution of arsenite potash of soda.

Q. If a person had taken the whole mixture you had prepared, would it cause death?

A. Most certainly not.

Q. *If the whole of this mixture had been taken on Sunday, would you expect any traces of arsenic resulting therefrom in eight or nine days after?*

A. I should not.

Now there are one or two things to note about this evidence of Dr. Humphreys in addition to the fact of his keeping it back in this extraordinary way. We know that Dr. Humphreys did not profess to have much knowledge about arsenic, but will Dr. Hum-

phreys say that if by no accident he did not put more than four drops of Fowler's solution into five tablespoonsful of water, and a patient were to take doses of fifteen drops of this diluted solution, it would *hurt his throat?* If it did hurt his throat, Dr. Humphreys' four drops must have been very large drops! Then again the Coroner asked him whether any *traces* would remain after eight or nine days. Now what date was in the Coroner's mind when he said eight or nine days, because this Sunday was the 5th, and James Maybrick died on the 11th? I take it he must have meant the date of the post mortem on the 13th. Well, I want to make this observation here, that although arsenic may be eliminated from the body through the excretions, &c., during life, if it is in the body at the time of death it would not be eliminated—it would remain—and therefore the Coroner's question as to eight or nine days was meaningless in this case. It should have been, Would there be any *traces* left at the time of death? Dr. Humphreys' reply is certainly not a dogmatic reply. It was simply—"I should think not." But I will venture to tell my readers that there are not many persons who possess any real knowledge and experience of the properties of arsenic who would not have replied, "There probably would be."

Humphreys and Carter.

Dr. Humphreys

Then in cross-examination :—

Q. *Given to alleviate pain?*
A. *No; given to alleviate vomiting and to clean his stomach.*
Q. *Did it alleviate him?*
A. *Certainly.*
Q. *What did it alleviate—pain?*
A. *No; he was not suffering* pain—only discomfort. He did *not complain of any pain, only discomfort.*
Q. And you never heard of his having taken arsenic before that?
A. No.

So that on this "Sunday or Monday"—this 5th or 6th of May—James Maybrick was not suffering pain, and Dr. Humphreys prescribed arsenic to alleviate the *vomiting*, which he said was the "*common result of morphia*"!

5th or 6th May.

At the Magisterial Inquiry Dr. Humphreys said :—

Q. Now amongst the other things you prescribed for Mr. Maybrick you did prescribe some solution of arsenic?
A. I did.
Q. Not, we may take it, in any dangererous quantity.
A. No, certainly not.
Q. But still you considered arsenic might do him good at that time?
A. Most certainly.
Q. And in what did you think it might be good for him?
A. I gave it because I have relieved people suffering similarly very frequently.
Q. From vomiting and so on?
A. Yes, and for the condition of the stomach.
Q. When would this be?

Humphreys and Carter.

A. On the Sunday or the Monday after I was first called in.

Q. You say that that amount of arsenic would not have left traces in the body?

A. Certainly not after two or three days.

Dr. Humphreys.

Q. And he did not take it for that time before his death?

A. Not for four or five days.

Dr. Humphreys said at the Trial:—

"I saw him the following morning—Sunday—when he was still *vomiting* or *harking* more than vomiting, and he complained of his *mouth being very dirty*, and his *throat* troubling him. His *throat* showed a *slight* redness, but his *tongue was very dirty and furred*. I changed his medicine, because deceased had not *made the improvement* I had expected. I prescribed again *prussic acid* from the bottle which he had not finished the previous week."

I must notice here that at the Inquest, when the Coroner elicited from him that he had prescribed *arsenic*, that Dr. Humphreys was uncertain whether it was on the Sunday or Monday that he administered *arsenic*; as he now says that he prescribed *prussic acid* on Sunday, it must be inferred that it was on *Monday* that he administered the *arsenic*, for one can hardly suppose that he would have tried his patient with arsenic and prussic acid on the same day. It is, I think, important to have this noted, because Dr. Humphreys, having prescribed arsenic on one day, says he stopped the patient taking it the next day because it "hurt his throat," and Nurse Gore said in her evidence at the Trial that on her arrival on Wednesday Mrs. Maybrick put some water into the medicine glass—

Q. Why did she put water in the glass?

A. Because the medicine burned the patient's throat.

and as Dr. Humphreys mixed the Fowler's solution in the medicine glass, although he said he did this "on Sunday or Monday—it was not on Tuesday," still, as he was uncertain about the Sunday or Monday, he may have made a mistake about Tuesday also. At any rate, there is quite enough in the above to suggest that this may be so. Dr. Humphreys at the Inquest was asked whether the doses of Fowler's solution he prescribed would burn the throat?

Q. Does this medicine that you prescribed form a sediment?

A. No; but there may be a slight muddiness or discolouration.

Q. It would not burn a patient's throat?

A. I do not think it would.

But as a matter of fact not only did James Maybrick complain that it did burn his throat, but Dr. Humphreys stopped his taking it the next day because it did burn his throat! I again repeat the observation I have already made, that if it did burn his throat Dr. Humphreys must have put a much larger amount of Fowler's solution into that mixture than the four drops in two tablespoonsful of water which he supposed he had done. However skilful

Humphreys and Carter.

Dr. Humphreys may be in dispensing, "drops" are uncertain things to measure by. Having in view then Dr. Humphreys' dogmatic opinion as to the length of time at which elimination of all traces of medicinal doses of arsenic in the body must take place, viz.—

Dr. Humphreys.

Q. You say that that amount of arsenic would not have left traces in the body?

A. Certainly not after two or three days.

it is of importance, as traces of arsenic were found in the body, to know as accurately as possible whether it was Sunday, Monday, or Tuesday when Dr. Humphreys administered the arsenic. As he now says he gave *prussic acid* on Sunday, I think that that day may be struck out; and if it was Tuesday when he prescribed it, and Wednesday ("the next day") when he stopped it because it burned the patient's throat—and as it was on Wednesday that Mrs. Maybrick spoke of the medicine burning his throat, and put water into the glass on that account (which would be a natural thing for a wife who was assiduously nursing her husband to do)—that date fits in with this circumstance, and brings it within four days of death, which is very near Dr. Humphreys' "two or three days," even if my medical readers will accept Dr. Humphreys' dictum as to the period of elimination of arsenic!

Dr. Humphreys further said at the Trial, as to this Sunday, the 5th May:—

"I told the deceased also to take *Valentine's Meat Juice*, and to wash out his mouth with *Condy's Fluid*. I again saw the deceased on the Sunday, *but did not notice anything particular about him.*

The only other evidence as to the symptoms and treatment on this Sunday, the 5th of May, is that of Edwin Maybrick, who appears to have taken upon himself to prescribe a *brandy and soda* for his brother.

Edwin Maybrick said at the Inquest:—

Edwin Maybrick 5th May.

Q. Were you at the house again on the 3rd May?

A. That was Friday. No. The next time I was at the house was on Sunday, the 5th of May, when I went out by the one o'clock train. I found my brother in bed. He was ill, and could not retain anything on his stomach.

Q. Who was attending him?

A. Mrs. Maybrick.

Brandy and soda.

Q. Had he *brandy and soda?*

A. I gave him some *brandy and soda, at his request*, in the afternoon.

Q. And was medicine afterwards given to him?

A. Yes.

Q. Did the *brandy and soda* remain with him?

A. Yes, until he took the medicine.

Q. Who gave him the medicine?

A. Mrs. Maybrick.

Q. *And what was the result?*

A *He vomited.*

Humphreys and Carter.

Edwin Maybrick 5th May.

Well! I suppose that Superintendent Bryning meant by the last question to suggest to the Coroner's Jury that there was something mysterious about the fact that when Edwin Maybrick gave him brandy and soda it was retained on the stomach, but when Mrs. Maybrick gave him medicine he vomited! The excitement which prevailed over the Maybrick Mystery is really the only explanation which can occur to me for Superintendent Bryning being so bewildered as to put the question—

Q. And what was the result?
A. He vomited.

We know what the medicine was; Dr. Humphreys had prescribed it in the morning—it was *prussic acid*—and Dr. Humphreys having ordered the patient to take Valentine's Meat Juice, and wash out his mouth with Condy's Fluid, Edwin Maybrick, who had not been at the house since his brother was taken ill at midnight of Friday, the 3rd, came into the house, and finding him ill in bed and unable to retain anything on his stomach, takes the case in hand himself, and, at his brother's request, gives him a brandy and soda! which remained with him until the mysterious fact occurred that Mrs. Maybrick gave him his medicine.

Q. And what was the result?
A. He vomited!!

At the Magisterial Inquiry *Edwin Maybrick* said—

"When I saw him at Battlecrease on Sunday, 5th of May, he appeared to be very much worse, and was unable to retain anything on his stomach. Mrs. Maybrick was attending him. I remained in the house that night. Some medicine was given to my brother by Mrs. Maybrick. *He vomited* after taking it *on one occasion.*"

At the Trial *Edwin Maybrick* said—

"On the Friday, May 3rd, and Saturday, May 4th, I did not see him, nor on the Sunday, May 5th, until five o'clock, when I went out to his house and found he was ill in bed."

Q. What did he say to you?
A. He said he had been very sick, and could not retain any food in his stomach, *either liquid or solid.*
Q. Did you do anything that afternoon?
A. *Yes, I gave him a brandy and soda.*
Q. What happened to him then?
A. He retained it all right for about half an hour and then *as I was giving him a dose of medicine* he vomited it. *He was very sick all that afternoon.*

It does not quite appear whether it was the brandy and soda, or the medicine, or the mixture of the two, which made him sick all that afternoon, but it is noticeable that at the Inquest and at the Magisterial Inquiry Edwin only spoke of one occasion when he vomited.

Q. And I think Dr. Humphreys came on that afternoon?
A. Yes.

It will be remembered that Dr. Humphreys said of this second visit on Sunday— Humphreys and Carter.

"I again saw deceased on the Sunday, but did not notice anything particular about him." Dr. Humphreys

Dr. Humphreys does not, therefore, remember his vomiting all the afternoon, but Edwin Maybrick proceeds—

Q. Was the eating and drinking then stopped by Dr. Humphreys' orders?
A. Yes, he said he had better not take anything to eat or drink at present, and if he were thirsty he was to have a wet towel put to his mouth.

So Edwin Maybrick was not allowed to give him any more brandy and sodas.

May 6th, Monday. *Dr. Humphreys* said at the Inquest:—

"On the 6th of May, Monday, I again visited him. This was before half past eight in the morning; he was in bed. I found him still *complaining of his tongue being so filthy*, and of *something in his throat* that caused him to 'hawk.' I examined his throat and found it *slightly red*. What he did was '*hawking*' more than *vomiting*."

Well "hawking," which is an old Welsh word I believe, means forcing up phlegm with a little cough, and seeing that this man had not had anything to eat or drink for two days I do not think it could be expected that what he did should not be "hawking" more than vomiting. I do not know whether my medical readers will see anything mysterious in that. I am quite sure my general readers, now that the excitement of the Maybrick Mystery has subsided, will not. However, I suppose it is a *symptom*, and perhaps some of my readers will say a symptom of an empty stomach! Hawking.

[NOTE.—*Dr. Tidy and Dr. Macnamara say in their Toxicological Study that "hawking" is not a symptom of arsenical poisoning, but "violent and uncontrollable vomiting."—A. W. McD.*]

Dr. Humphreys then proceeded—

"I *applied a blister* to the stomach of the deceased with a view, as far as possible, of *stopping the retching*."

Dr. Humphreys, at the Magisterial Inquiry, gave no evidence as to this Monday the 6th, but at the Trial he said—

"I saw him on Monday, 6th of May, at 8-30 in the morning, and his state was then somewhat similar, but he still complained of his tongue very much. Some of the Valentine's extract of meat had been taken, but it did not agree with the deceased, and it made him vomit. I do not remember him vomiting in my presence, but he complained of it. *I told the deceased to stop the Valentine's Meat Juice, and said I was not surprised at its making Mr. Maybrick sick, as it made many people sick.* I also stopped the medicine (prussic acid), and *gave the deceased some arsenic.* It was Fowler's solution. I saw him in the evening, and ordered him some *Baines's beef tea, some chicken broth, Neave's Food, and some milk and water.*"

And in cross-examination he said—

Q. You advised that he should take no food. For how long did that continue?
A. It continued until Monday forenoon.

Humphreys and Carter.

Q. From the Friday (May 3rd), about twelve o'clock, up to the Monday—about what time?

A. I cannot say, but it was somewhere after half-past ten o'clock.

Dr. Humphreys.

Dr. Humphreys also said—

6th May.

"On Monday night I recommended the application *of a blister to the stomach*, thinking it would put *an end altogether to the vomiting. I had seen two samples of the vomiting.* One was greenish, bilious-looking, and the other was yellowish."

Blister.

So that, although James Maybrick was "hawking" at 8-30 a.m., when Dr. Humphreys called to see him in the morning, he was able to take food in the afternoon; and Dr. Humphreys now for the first time fixes this Monday the 6th as the day on which he stopped the *prussic acid* and prescribed *arsenic*, and he told Mr. Maybrick to stop Valentine's Meat Juice, because it made him sick, and made many people sick. The evidence is very confusing, because this implies that James Maybrick had been eating some of the Valentine's Meat Juice, which he had ordered him on Sunday morning the 5th. And yet Dr. Humphreys, in cross-examination, said—in reply to the question, "You advised he should take no food. For how long did that continue?"—and his reply was:—

"From Friday, May 3rd, up till after half-past ten o'clock on Monday, the 6th."

Edwin Maybrick, it will be remembered, said that on Sunday the 5th, after he had given him brandy and soda, Dr. Humphreys ordered that he should take nothing to eat or drink, but "if he were thirsty he was to have a wet towel put to his mouth." It is all very confusing, and suggests the idea that Dr. Humphreys is not very clear about what really did happen during these days, and what makes the confusion worse is, that although he says distinctly now that it was at this visit at 8-30 a.m. on Monday the 6th that he stopped the prussic acid and prescribed arsenic, he goes on in his evidence at the Trial to leave the date as uncertain, as when the Coroner elicited from him that he had omitted to say anything about having prescribed arsenic, for he goes on at the Trial to say:—

Fowler's solution

"I stopped the medicine (prussic acid), and gave the deceased some arsenic. It was Fowler's solution. I cannot say whether it was Sunday or Monday, but it was not Tuesday."

Prussic acid.

The only things which appear clear from this evidence are that in the forenoon of this Monday the 6th, somewhere after half-past 10 o'clock, the patient was able to take food, but as he had stopped the Valentine's Meat Juice, it does not appear what sort of food it was; but that in the evening, when Dr. Humphreys saw him again, he ordered him "some Baines's beef tea, some chicken broth, Neave's Food, and some milk and water," and that he *applied a*

blister to his stomach to put a stop altogether to the *vomiting*, and that he saw two samples of vomiting. Humphreys and Carter.

"One was greenish bilious-looking, and the other was yellowish."

Dr. Humphreys.

Now I do not know whether from this evidence any of my medical readers will say that, up to this Monday night, the *symptoms* of James Maybrick's illness were symptoms of arsenical poisoning. That is a matter upon which no one but a medical man can give an opinion. I shall presently show that at the Trial there was a considerable conflict of medical opinion upon the point, but I will venture to say that whatever Dr. Humphreys' opinion may be *now*—that, from his treatment of the case—it is clear that, notwithstanding the warnings given him by Mrs. Maybrick of James Maybrick's habits of dosing himself with a white powder, in consequence of which he had questioned James Maybrick about strychnine and nux vomica when he was called in to see him on the 28th of April, no such idea as that his symptoms pointed to any irritant poison of any kind whatsoever had occurred to him on that Monday night, the 6th of May, when he saw the two samples of vomiting, and applied a blister to the stomach to put a stop altogether to the vomiting, because, if any such idea as that the symptoms pointed to any irritant poison as the cause of the illness, he would have *encouraged the vomiting* instead of stopping it, and would have examined those samples of vomiting to see what the disturbing cause was ! ! If Dr. Humphreys thinks so *now*, the inspiration of his thought could not have been the symptoms as he saw them, but what he has since learned from "the books" or the "opinions of some other medical men." 6th May.

May 7th, Tuesday. Dr. Humphreys' evidence at the Inquest was— 7th May.

"On Tuesday, the 7th ult., I again saw Mr. Maybrick. He was in bed. I don't remember if any one was present. *I could not say whether the vomiting had stopped*, but when I went in Mr. Maybrick said, '*I am quite a different man this morning, since you put on that blister.*'"

Q. Did you examine his *throat*?

A. I cannot say, positively.

Q. Did you see him later in the day, the 7th?

A. Yes, about half-past 5 o'clock.

Q. How did you find him?

A. *We* found him in such a condition that *we* anticipated that he would recover. *He was able to retain a pretty good quantity of fluid food without being sick*, but complained of *filthiness of his tongue* and *irritability of his throat*. Medicine was advised—*antipyrine* and *tincture of jaborandi*, a few drops of *chlorine water* to be put into a tumbler of water to wash his mouth.

I must stop here to insert a statement made by Dr. Humphreys as to his diagnosis of the disease.

Q. Did you form the opinion that deceased was suffering from *an irritant poison* before death?

A. Yes.

Humphreys and Carter.

Q. How long before death?

A. I first suspected that the deceased was suffering from an *irritant poison* when the *diarrhœa* came on.

Q. When was that? *Before Dr. Carter was called in?*

Dr. Humphreys. *A. Yes.*

Q. He was not then called in?

7th May. *A. No, he was called in on the Tuesday the 7th or Friday the 10th. I may say it was Wednesday, at any rate.*

The Coroner: *Then either Thursday the 9th or Friday the 10th?*

Mr. Mulholland: He has said that on Thursday the 9th Mr. Maybrick was suffering from *looseness of the bowels.*

The Coroner: He was suffering from *looseness of the bowels* on *Thursday night, the 9th.* Did you then suspect he was suffering from *some irritant poison?*

A. I cannot say that.

Q. Can you say that on *Friday the 10th* you thought he was suffering from some *irritant poison?*

A. I was under the impression that it might be so. I cannot say exactly. I was *put in a peculiar position*, because *poison was suggested* to me, and of course that strengthened my opinion.

The Coroner: Now you have said that, I think we ought to ask you whether you formed an opinion that the deceased was suffering from *some irritant poison* before the *suggestion* was made?

A. No [uttered with emphasis].

Q. It was *after* the suggestion was made?

A. It was *after* the suggestion.

Q. Then did you form your opinion upon the *suggestion* or upon what you saw?

A. Upon what I saw.

Q. Do you think you would have formed that opinion if the *suggestion* had not been made?

A. I cannot say.

Q. Then *after the suggestion* was made to you, and you formed the opinion that the deceased was suffering from *arsenical poisoning*, will you tell the jury what the *symptoms* were which led you to that belief?

A. *It was the diarrhœa, and the straining, and the great cardiac failing.*

Now, I shall ask my readers, whatever they may think of this evidence—this confusion about Wednesday, Thursday, and Friday's suggestions, diarrhœa and so forth—to observe that up to this Tuesday, the 7th, not one word of evidence has been given as to any of these three symptoms—

"*Diarrhœa, straining,* and great *cardiac failing.*"

Dr. Carter. Dr. Carter was first called in to consultation with Dr. Humphreys at half-past five o'clock p.m., on this Tuesday, the 7th. In the morning Dr. Humphreys had seen the patient, who had said—

"I am quite a different man this morning since you put on that blister,"

and I put it to my readers that, at all events up to the arrival of Dr. Carter on the scene, Dr. Humphreys had never seen any symptoms of diarrhœa, straining, or great cardiac failing, and that the idea that his patient was suffering from some irritant poison had never entered his mind, and, what is more, he had treated him on an entirely different diagnosis of his disease. He

had applied a blister to put a stop altogether to the vomiting, and had not even examined two samples of the vomiting which he had seen for the purpose of discovering what the cause of the illness was. Humphreys and Carter.

Dr. Humphreys further said at this Inquest— Dr. Humphreys

"The *suggestion* was made before the *conception of the thought.*" 7th May.

We shall presently come to consider what the *suggestions* were, when they were made, and by whom, but at present it is only necessary to say that the *suggestions* were not made to him until after Michael Maybrick arrived on Wednesday night, the 8th of May! but up to 5-30 p.m. on this Tuesday, the 7th of May, James Maybrick was under the care of Dr. Humphreys; and as no *suggestion* had up to that time been made to him, the evidence as to symptoms and treatment show that neither were there any of the *symptoms* of poisoning, upon which he formed his opinion *after* suggestions had been made to him, nor did he treat his patient for any illness caused by *any* irritant poison of any kind whatever.

Not only had no symptom of diarrhœa set in up to this time, but Dr. Humphreys gave, at this Inquest, evidence that he had administered iridin as an aperient.

"I thought iridin might possibly act upon his bowels and liver, as he complained of *constipation.*" Suffering from constipation.

Dr. Humphreys' evidence as to the medicines themselves was—

Q. I should like to know something about these medicines you gave him. What were they given for? What was the first thing—*papaine iridin*—for?

A. The *papaine* was to act as a digestive, and I thought the iridin might possibly act upon his bowels and liver, *as he complained of constipation.*

Q. Was it an *aperient* for the purpose of stimulating the liver?

A. It is not an aperient in the sense of a brisk aperient, but it increases the flow of bile, and consequently produces an action upon the bowels.

That prescription was the prescription which Dr. Humphreys gave to James Maybrick when he was called in to see him a second time, on the night of Sunday, 28th of April.

Mr. Addison said that the case of the Crown was that—the day of the Wirral races—

"The 27th of April, that the first illness occurred, which we say was caused by arsenic."

On the 28th of April, therefore, instead of suffering from diarrhœa, which is one of the chief symptoms of arsenical poisoning, James Maybrick complained of *constipation*, and Dr. Humphreys administered iridin as a mild *aperient!* It is not quite clear how long he continued to take it, because Dr. Humphreys' evidence is very confused about this also, but it appears clear that he took it for several days.

Humphreys and Carter.

when he is called in to a patient, and when we come to deal with his evidence as to the *symptoms* and *treatment* of the patient after he came upon the scene, it is well that we should attach the proper weight to the evidence of a doctor whose demeanour, when called into a sick room, he has thus portrayed himself. But is it quite true? Do my readers, or any of them, believe that he did not know the lady to be Mrs. Maybrick—or that he "never saw her again," and "certainly never spoke to her except on this Tuesday, the 7th of May, so as to give general directions with Dr. Humphreys as to giving food"?

[NOTE.—*Dr. Carter has furnished that part of the world who have an opportunity of seeing the "Liverpool Medico-Chirurgical Journal," of January, 1890, with a little further information on the subject of this visit, and which he describes as repeating what he said "before the Coroner and at the Trial, with one or two additional circumstances."*

"On going into the room I saw lying on the bed a somewhat fair complexioned man, about fifty years of age, of slight but muscular build, who informed me that he had been suffering so severely from *vomiting* that for an entire day not even a drop of water could be retained, but that the vomiting was passing away, and that what mainly distressed him was intense thirst—a sensation as of a hair in his throat, which he was compelled to make incessant efforts to get rid of, and a bad taste in his mouth, which he more than once described as being 'as foul as a midden.' On examining his tongue I found it furred but his breath quite sweet; and on my remarking on this contrast, a young lady, who was sitting at the window, and who, *as I afterwards* found, was the patient's wife, said that 'it was so, that his breath was quite sweet though his tongue was bad.' *The patient himself stated that nobody had ever been able to clean his tongue.*

. . . . . .

I heard of the *dropped letter* and *its contents* for the first time at the Coroner's Inquest, and am neither disposed nor entitled to offer any opinion whatever on the nurse's story concerning it.

. . . . . .

Not only were the early symptoms of such a character as to seem in themselves capable of an innocent interpretation, but there was nothing in the circumstances surrounding the case to suggest to us—who were strangers—the possibility of guilt. *Husband and wife seemed to be on affectionate terms with each other.*"

So that it appears it was not in the bathroom, and it was not Mrs. Maybrick but Mr. Maybrick himself who said that it was always so, and said so joining in a conversation with his wife in the presence of this Dr. Carter, to whom husband and wife seemed on affectionate terms with each other—but whom he did not ascertain to be his wife until afterwards! and whom he never saw again, and certainly never spoke to, except on this occasion, so as to give with Dr. Humphreys general directions as to food! and it also appears that James Maybrick informed Dr. Carter that he was suffering from vomiting, but said nothing about having suffered from diarrhœa *for* several days!

"I then examined the throat in a good light, and found the mucous membrane red, dry, and glazed. He complained very much of the throat, and especially of the 'hair' in it, and begged that some relief might be given to him. The other organs were then carefully examined, and found to be healthy. On raising the shirt I unwittingly caused pain by rubbing the fleshy-blistered surface on the epigastrium, *but could elicit no pain in pressing over other parts of the abdomen. There was no complaint of cramps in the calves*, nor of *conjunctivitis*. He was very restless during the examination, mainly owing to the uncomfortable sensation in his throat. He jerked himself about and occasionally kicked the clothes of. His *urination* was very free—a copious discharge of what had every appearance of being normal urine being pointed out to us in a chamber-vessel in the bedroom. *We were told that the bowels were loose*, and we retired to a neighbouring bathroom to examine a motion, *which had been retained for our inspection.* It was *copious, loose, and as I remarked at the time, not unlike that of typhoid fever.* It contained neither blood nor mucus."

Humphreys and Carter.

Dr. Carter.

7th May.

Now, what Dr. Carter swore at the Inquest was, that James Maybrick complained to him—

"he had been suffering from vomiting and *diarrhœa for several days.*"

This story about the loose motion, which had been retained for their inspection, *is an entirely new one, and Dr. Humphreys never said anything about it, and it is an altogether different story to the one Dr. Carter told the Coroner's Jury, that James Maybrick had himself complained in the presence of Dr. Humphreys of having suffered from* diarrhœa for several days. *I ask my readers to follow Dr. Carter and Dr. Humphreys at the Trial about this* diarrhœa for several days, *which Dr. Carter swore at the Inquest that James Maybrick had complained about on this Tuesday, 7th of May, and keep it in mind in connection with Dr. Carter's dogmatic opinion that he judged the fatal dose was administered on Friday, the 3rd of May!—A. W. McD.*]

Dr. Humphreys further gave evidence at the Inquest as to what this *anti-pyrine* and *jaborandi* were composed of, and from this evidence it is perfectly plain that Dr. Humphreys knew nothing about what he was pouring into this man's empty stomach; that as to *anti-pyrine*, he believed it was made from aniline dyes! and as to jaborandi, all he knew was that it was a medicine which comes from *Africa or somewhere*! and that it is poison if taken in large doses. In fact, for all Dr. Humphreys knows, there may be arsenic, strychnine, and any other poison in them!

Dr. Humphreys.

Ingredients of medicines prescribed.

Q. What were the other medicines? The *anti-pyrine*, what was that?

A. That was to relieve the sensation which he had of something in his throat, which he described as a hair constantly tickling his throat.

Q. Is it usually given to reduce fever?

A. Yes, it is.

Q. Do you say that you gave it for the purpose of reducing fever?

A. No.

Q. What for.

A. For the purpose of relieving his throat.

Q. May I ask what are its constituents? If it is a very complicated substance I will not trouble.

Humphreys and Carter.

A. *I believe it is made largely from aniline dyes.*

Q. Most substances are made from that nowadays?

A. *I believe it is made from aniline dyes, but I cannot tell you anything at all about it.*

Dr. Humphreys.

Q. You do not know its constituents?

A. It is very complicated, and I cannot remember.

7th May.

Q. The other medicine—I do not like to trust myself with the name—*jaborandi*, what was that for?

A. It was to increase the saliva, and might possibly relieve the throat and get rid of the awful sensation he complained of there.

Q. *Is it so complicated that you cannot tell us what it was?*

A. *I cannot tell you further than this—that it is a medicine got from Africa, or somewhere else,* and was introduced somewhere about ten years ago It was introduced by Professor Firenson.

Q. May I take it that you do not know the constituents of this?

A. I cannot tell you. It has certain curative properties.

Q. *You call it a poison?*

A. *When administered in large doses.*

At the Magisterial Inquiry, Dr. Humphreys did not give any evidence as to this Tuesday, the 7th, but Dr. Carter said :—

"At 5-30 p.m., on the 7th May, I was called to see Mr. J. Maybrick, at his house. He was in bed at that time, and Dr. Humphreys was present when I examined him. *The patient complained of having suffered from vomiting and diarrhœa.* He said he had a very bad taste in his mouth, was very thirsty, and had a feeling as if there was a hair in his throat. There appeared to be no pain on pressure on the stomach, except over the spot where a blister had been placed. The *heart*, lungs, and brain were normal, and though the patient complained of a bad taste, there was no bad odour in his breath. I found the throat red, dried, and glazed. He was *somewhat weak*, but extremely restless. *I asked to see the matter vomited*, but none could be obtained. Mrs. Maybrick was in the room all the time"

Q. *Did you form any opinion then as to what he was suffering from?*

A. *I thought it might be the result of some grave error of diet.*

So that Dr. Carter still holds to his statement that James Maybrick had, on that Tuesday, 7th of May, been suffering from *diarrhœa*, but he drops the "for some days." It also appears that there was no "great cardial failing" then, for *the heart was normal.*

At the Trial, Dr. Humphreys said :—

"On Tuesday, 7th of May, I saw Mr. Maybrick in the morning, and he appeared better. He said, 'Humphreys, I am quite a different man altogether to-day, after you put on that blister last night.' He was constantly complaining of the offensive feeling of his mouth. I advised him to wash his mouth with *Sanitas*, and clear it. He was able to retain a tablespoonful of food every hour. In the afternoon of the same day I was there with Dr. Carter. *I threw the remainder of the medicine containing the Fowler's solution away on the Monday morning.* I threw it in the *basin on the washstand—the slop basin.* The object of the solution was to allay his condition and improve him. Mr. Edwin Maybrick made the appointment for me to meet Dr. Carter, Mrs. Maybrick told me that she had not sent for him, but Mr. Edwin Maybrick had. I saw Mr. James Maybrick with Dr. Carter in the afternoon, at half-past five. Mr. Maybrick seemed to be much the same as in the morning,

and was certainly no worse. He complained to Dr. Carter in my presence about his throat. I think he was able to retain his food that day. I had a consultation with Dr. Carter, and we resolved to administer certain medicines. He was prescribed to take tincture of jaborandi and anti-pyrine. The anti-pyrine was to allay his restlessness, and to allay the pain of the throat; the jaborandi was given to increase the saliva, also to relieve the throat. We also gave him a wash for the mouth of chlorine water. We held the opinion he was going on very favourably, and would be well in a few days. I formed the opinion that Mr. Maybrick was suffering from congestion of the stomach. I could not remember telling this to Mrs. Maybrick that day, but I did tell Mr. Maybrick. I formed a hopeful prognosis, and thought Mr. Maybrick would soon recover."

Humphreys and Carter.

Dr. Humphreys

7th May.

And in cross-examination :—

Q. You saw him since, on Tuesday, the 7th?

A. Yes

Q. I will read you this, and you can remember it :—"He was able to retain a pretty good quantity of fluid food without being sick, but still complained of a tickling in his throat"?

A. That is so.

Q. And these were the only things of which he then complained.?

A. Yes.

Q. I wish you to go back to the 7th. You met Dr. Carter on that day?

A. The Tuesday; yes.

Q. You had no intimation from him that he was to be there?

A. I had not.

Q. But some one made an appointment with you?

A. I was requested to meet Dr. Carter at half-past five.

Q. By whom?

A. I think the letter I got was from Edwin Maybrick.

Q. And I presume you gave to Dr. Carter a history of the case as you have given it to-day to my lord and the jury?

A. Yes.

Q. On that morning do you recollect something you said—on the morning of the 7th? You had ordered the application of a blister for the retching, and it was on that morning he said, wasn't it, that he was quite a different man, and that the retching had gone down. He said these words?

A. Yes. He said, "I am quite a different man."

Q. I think the first reference to anything that had passed away from him was on the Thursday?

A. Yes.

Q. But, as a matter of fact, the slops were preserved for you?

A. They were preserved from time to time.

Q. By Mrs. Maybrick?

A. I don't know.

Q. Well, they were shown to you by her?

A. From time to time they were shown to me. I don't know if by her.

Q. At any rate they were preserved for you from time to time?

A. Yes, from time to time.

Q. You could have seen them on any occasion you desired?

A. Yes.

Q. And they would have been kept for you if you desired it?

A. Yes.

So it is plain that Dr. Humphreys, who had been attending the patient all through his illness, knew nothing about any *diarrhœa* up to this date.

Humphreys and Carter.

[NOTE.—*In reference to the symptom of a sensation like a hair tickling the throat, Dr. Tidy and Dr. Macnamara, in their "Toxicological Study," say—*

Dr. Carter.

7th May.

"Considerable stress was laid upon the fact that Mr. Maybrick was constantly complaining of the sensation of a hair in his throat, and it was implied that such a sensation was one of the characteristics of arsenical poisoning, but one of the authors of this Study, who has had considerable experience in the employment of arsenic therapeutically, deposed that he never met such a symptom in any case, even where the arsenic had been pressed to the point of saturation, whilst on the other hand he had frequently heard it complained of by patients who had never taken a single dose of arsenic."—*A. W. McD.*]

Dr. Carter's evidence at the Trial was :—

"I had been a perfect stranger to the Maybrick family, and on Tuesday, 7th of May, was called in, *in consequence of my general position in the town.* I was not even aware until the inquest that it was Dr. Humphreys who sent for me. I was telephoned for at 5-30 p.m. on Tuesday, 7th of May. I saw deceased at Battlecrease House. Dr. Humphreys being there, *he said* deceased had been suffering from *vomiting. I made a slight correction in the sequence of the symptoms, diarrhœa was just appearing.* His principal complaint was of extreme dryness and irritability of the *throat*—of a sensation as if a hair was in it—and the extremely foul taste which he had in his mouth. He was restless during the examination. *He said he had been vomiting for several days.* I judged that his restlessness was due to the discomfort of a blister. Upon examining his throat I found it acutely inflamed, very dry and red. He was also *rather weak, but the weakness was not very prominently shown.* I saw *the vomited matter and other excretions.* Mrs. Maybrick followed me into the bathroom, where we had some conversation about the irritation, seking a cause for it. Mrs Maybrick made a suggestion that his constitution might have been injured by indiscreetness as to food before his marriage, but I thought nothing of that, not thinking it implied anything in reference to his then illness. After consultation with Dr. Humphreys, I concluded that deceased was suffering from acute dyspepsia, resulting from indiscretion of food or drink, or both. Acute dyspepsia would include the result of such irritants as we thought deceased had been suffering from. We did think deceased was suffering from some irritant, and the symptoms were such as to indicate that in the absence of disease in any other organ, they were such symptoms as might be produced by an irritant poison."

Q. But you did not suspect the presence of any poison?

A. No, certainly not.

Q. As a doctor you would not do so?

A. No, decidedly not. It is the last thing—the very last thing—we would think of. We prescribed a careful diet, to be carefully increased as the stomach would bear it. To remove the distressing symptoms of restlessness we ordered small doses—very small doses—of *anti-pyrine*, and a small dose of *tincture of jaborandi*, thinking that the last would produce a general flow of saliva, and relieve him from the distressing dryness and sensation as of a hair, and that the other drug would calm his restlessness.

Q. What did you prescribe in addition to the medicines? Did you prescribe chicken broth, milk, and lime water?

A. Yes, with Neave's Food, and lime water at longer intervals.

Q. What else did you order?

A. *Diluted chlorodyne*, which it was hoped might relieve this feeling of foulness, which was not, however, associated with any bad breath, though it was very distressing to the patient.

Q. *Did you infer anything from the absence of foulness of breath?*
A. *Nothing.*
Q. As to the *anti-pyrine*, would you tell me whether that would be harmful?
A. None whatever. It is a dose given to a child of five years of age, and repeated again and again, and four times that dose is given every hour for three hours to adults.
Q. *Tincture of jaborandi*; tell us something about it in a popular manner?
A. It was the minimum dose of the pharmacopœia that we ordered.
Q. Would that dose have a harmful effect upon his condition?
A. No; the effect varies with the dose.
Q. What dose was it?
A. A half drachm of the tincture.
Q. Was that to produce saliva?
A. Yes, and to overcome the feeling of dryness.

Dr. Carter had sworn at the Coroner's Inquest that on this Tuesday, the 7th of May, James Maybrick had told him he had been suffering from *diarrhœa for several days*, and at the Magisterial Inquiry that he was told he had been suffering from diarrhœa, but at the Trial he made a *slight correction* in the sequence of the symptoms, and this time his story is that he was told that the patient had suffered from *vomiting*, but that *diarrhœa was just commencing*, and he tells us he talked with the lady in the bath-room—whom he did not ascertain till afterwards to be Mrs Maybrick—about James Maybrick's indiscretions of life before marriage!

Then in cross-examination:—

Q. According to your reading, how soon after administration of arsenical poisoning do you expect *diarrhœa* to set in?
A. Varying from *hours* to *days*.
Q. Ordinarily?
A. I cannot say that.
Q. Is not the ordinary condition of things that diarrhœa sets in *within two hours* after the administration of the article?
A. *I am inclined to think not, but I speak from reading.*
Q. You are aware that Dr. Humphreys has told us that it set in on Thursday, the 9th?
A. *I said that I noticed something on the 7th.*
Q. Do you desire to express any difference from Dr. Humphreys, as to what I have told you?
A. *I noticed something on the 7th* and it *gradually increased, as I understand. I take Dr. Humphreys to be correct, of course*, but I make that statement within my own personal knowledge.

Why! this man had sworn before the Coroner's Jury, not that he *noticed something on the 7th*, but that James Maybrick had told him in the presence of Dr. Humphreys that he had been suffering from *diarrhœa for several days!* and as he did not see the patient or Dr. Humphreys again until Thursday, the 9th, I should like to know what he means by now saying as within his "own personal knowledge" that the something he noticed on the 7th "gradually increased, as I understand." From whom did he understand it?

Humphreys and Carter.

Then as to the way in which Dr. Carter appeared on the scene on this Tuesday, 7th of May, Edwin Maybrick gave evidence at the Trial :—

Edwin Maybrick. May 7th.

Q. Dr. Humphreys was in sole attendance upon him up to Tuesday, the 7th?

A. Yes, as far as I know.

Q And on Tuesday, the 7th, Dr. Carter was called in, and he and Dr. Humphreys were in attendance upon the patient up to his death?

A. Yes.

Q. Do you recollect on this Tuesday Mrs. Maybrick suggesting you should send your own medical man?

A. She telegraphed to me suggesting that Mr. McCheane, the medical man of a friend of mine should be sent for. Dr. McCheane did not go out as a rule, but held consultations. Mrs. Maybrick had heard me mention the name to my brother James, and that was how she came to know the name.

Q. You went to Dr. Carter?

A. Yes.

So that it appears that it was Mrs. Maybrick who sent for the second doctor! and telegraphed to Edwin on the Tuesday morning to send one out, notwithstanding Dr. Humphreys' peace of mind about his patient when, having applied a blister on Monday night, he called in on Tuesday morning, and found him better, and James Maybrick said, "Humphreys, I am a different man altogether to-day since you put that blister on last night." The fact is transparent that James Maybrick was seriously ill on that Tuesday, and neither Dr. Humphreys nor Dr. Carter saw it, and their evidence discloses a struggling with the fact that they had made a mistake in their hopeful prognosis—if in fact they really did not regard him as seriously ill, a man who for days had been unable to retain any food or even medicine on his stomach, and who was even then only fed in spoonfuls, one an hour! I do not think any of my readers will believe that they did not think he was seriously ill on that day, and that it was a question of how long his strength would hold out. Dr. Carter says he never saw Mrs. Maybrick except on this Tuesday, the 7th of May, but the following evidence he gave at the Magisterial Inquiry, suggests that he did know that she was Mrs. Maybrick, and that his statement that he "certainly never spoke to her except so as to give, with Dr. Humphreys, directions as to food" is not accurate.

Mr. Pickford: Did you remark to Mrs. Maybrick that it was a good sign her husband was able to retain food?

A. I don't think so, but very likely I may have done if I spoke to her.

Q. And did you go on to say that if he *continued to retain food and kept up his strength* you did not think anything serious need be expected?

A. I have no recollection of it.

Q. You may have said to her it was a good thing he was retaining food?

A. I might have said that; I don't remember that I did, but it is what one might say.

May 8th, Wednesday.—Dr. Carter did not see the patient on this day, but Dr. Humphreys called early in the morning, and at 2 o'clock in the afternoon of this day— Humphreys and Carter.

Nurse Gore came upon the scene.

Dr. Humphreys, at the Inquest, said :—

"On the 8th I again visited my patient. I found him *something very similar*. I can't say he was any better in the morning. *His throat* had been better during the night, but it *was quite as bad again* in the morning. *He had a restless night*. His mouth was still nasty and offensive to him."

. . . . . .

"He got much better on the Tuesday, May 7th, *better than he had been on any previous day*."

Q. Then he got worse on the Wednesday, the 8th?

A. He was not so well on the Wednesday.

Q. During your attendance on him, did you tell any one that he was "sick unto death?"

A. *No, not that I remember.*

Q. You are *quite sure* that you did not say to any one that he was "sick unto death?"

A. No. But there is one thing that, in conversation with Mr. Michael Maybrick in the garden, he asked me how his brother was, and I said "I am not satisfied with your brother, and I will tell you why." I said, "Your brother tells me he is going to die."

The Coroner: Did you say anything to Mrs. Maybrick *previous to Wednesday* that he was "sick unto death?"

A. Certainly not.

Q. Did you tell that to any other person?

A. No, I did not.

Well, I dare say Dr. Humphreys did not use that particular *phrase*. I take it he is not an American or a north-country man, and would not. It is a phrase, and Mrs. Maybrick, in the letter to Brierley which Alice Yapp *alleges* she intercepted on Wednesday, used that *phrase*. Mrs. Briggs spoke of James Maybrick being in "serious peril" on that Wednesday—that was her *phrase*; and on one occasion or other Dr. Humphreys told Michael Maybrick that his brother had said he was "going to die"—that was his *phrase*. They all meant the same thing, that he was, to select Mrs. Briggs's *phrase*, "in serious peril." And now that the excitement of the Maybrick Mystery is over, that is all that can be made out of the *phrase*, "sick unto death," which, during the excitement of the time, sent so many people into hysterics!

Q. Did you tell her that her husband should have *perfect rest*, and that no one but she was to go into the sick room?

A. *It is very likely that I told her that he ought to be kept very quiet.*

Q. Did you tell her that no one but she should go into the sick room?

A. No.

Q. Before or on Wednesday, the 8th of May, did you tell Mrs. Maybrick that her husband should have *perfect rest*?

A. I don't remember that I did.

Humphreys and Carter.

Q. Did you during her attendance on him tell his wife that she alone should attend on him?

A. I don't remember that I did, and I don't think that I did.

Q. Did you tell her that all the patient's food and medicine should be given to her?

A. No.

Now, I stop here merely for the purpose of calling attention to the hysterical nature of the excitement over the Maybrick Mystery, which the fact of such questions being put to Dr. Humphreys at all by the Coroner revealed. If Mrs. Maybrick had been engaged in poisoning her husband with arsenic, why, in the name of common sense, should she want to give him all his food and medicine? Why should she not, on the contrary, have got some one else to give it to him? One would think the most natural thing for a person engaged in administering poison in food and medicine would have been to have got some one else who did not know that she had put any arsenic into it, to give him the food and medicine, and use the self-precaution of not giving him any food or medicine herself! But really the excitement over this Maybrick Mystery was so extraordinary, that this Coroner seems to have thought that Mrs. Maybrick's giving her husband his food and medicine herself, which is precisely what my wife, or any wife who showed the least assiduity when attending a sick husband would do, was a "suspicious circumstance;" and his excitement reached the borderland of the ridiculous when he put those questions to Dr. Humphreys!

However, Mr. Pickford asked him in cross-examination:—

Q. You said you did not tell Mrs. Maybrick that the medicine was to be given by her, but you very likely told her he was *to be kept perfectly quiet*?

A. That is very likely.

Q. The best way of doing that would be for one person to be in attendance, and not for every one to be coming into the room?

A. It does not follow, because one person would become fatigued.

Dr. Humphreys became argumentative. However, of course, "it does not follow," but his answer shows that he, too, was affected with the Mystery!

Q. It would be better than having servants rushing in?

A. Naturally, because it would disturb quietness.

And the object of the Coroner's question was that Mrs. Briggs and Mrs. Hughes went into the house on the morning of this Wednesday, the 8th, and without speaking to Mrs. Maybrick went straight up into the sick room, "rushed in and disturbed quietness," and Mrs. Maybrick, resenting such an intrusion, followed them up, and told them to come downstairs, that they had no right to do such a thing as that, that the doctor had said he was to have perfect quiet, and that no one was to go into the room but herself.

She was nursing her husband then, and I put it to my lady readers whether there is a single one of them who would not have done the same thing and said the same thing; in fact, would not probably have said a great deal more?

[NOTE.—*Elizabeth Humphreys, the cook, and Mary Cadwallader, the housemaid, tell me that what occurred was this: That Mrs. Maybrick was sitting downstairs in the morning room with a lady friend, Mrs. Kennah, and had left the doors of the bedroom and sitting-room open, so as to hear her husband if he wanted anything, and that Mrs. Briggs and Mrs. Hughes met Alice Yapp in the garden, and after some conversation Alice Yapp brought them in by the back door, and they went up in that sort of way into the bedroom, and Mrs. Maybrick hearing them, went up to them and requested them to come downstairs. Well! I know pretty well what my wife would have done under similar circumstances. I have no doubt she would have said to Mrs. Briggs and Mrs. Hughes all that Mrs. Maybrick said and a good deal more.—A. W. McD.*]

Q. Had you any conversation between Sunday and Wednesday with her about her husband's illness?

A. On the Wednesday morning I had some conversation with her, in the course of which she told me *she was tired nursing her husband, and she asked me would I get a nurse for her;* she asked me to telegraph for a nurse.

Q. That was in the morning.

A. It *was about 8-30 a.m.* in the morning.

Q. Did you telegraph?

A. I telegraphed at *ten minutes* to nine o'clock for Mrs. Howell, of Halewood.

Q. Was that some one she knew?

A. She was her own nurse, who attended her in her confinement.

So that it appears that not only was it Mrs. Maybrick herself who had telegraphed to Edwin Maybrick to send out a second doctor, on Tuesday, the 7th, which resulted in Edwin's sending out Dr. Carter, but it was Mrs. Maybrick herself who asked Dr Humphreys, at 8-30 a.m., on this Wednesday, the 8th, to get her a nurse, and got him to telegraph for one.

Mrs. Briggs, at the Inquest, said :—

"On Wednesday, May 8th, I went to Battlecrease. When I got there Alice Yapp *said something*, and *in consequence* I went into Mrs. Maybrick's room. Mrs. Maybrick came up immediately after. *She was annoyed at my disturbing people*, and said Mr. Maybrick must have *absolute rest and quiet*. He tried to tell me what was the matter with him, but Mrs. Maybrick said 'When we come downstairs I will tell you what is the matter with him in five minutes.' *I suggested having a nurse*, and then I went down stairs. She told me that there was no occasion for a nurse, as the doctors said there was no occasion. *I telegraphed for a nurse*, and I wired to Mr. Michael Maybrick, and *made a communication* to Edwin Maybrick."

Humphreys and Carter.

Now, Mrs. Briggs went there about eleven o'clock. Mrs. Maybrick herself had already, at 8-30 a.m., through Dr. Humphreys, telegraphed for a nurse. Then again, as Mrs. Briggs told the story to this Coroner's Jury, she represented in as plain English as she could—that she had herself telegraphed to the Nurses' Institute for a nurse *in spite of Mrs. Maybrick's objection*; whereas she knew, and deliberately kept back the fact from the Coroner's Jury what was elicited from her in evidence at the Trial—that Mrs. Maybrick had herself not only sent her with that telegram to the post-office, but had given her the money to pay for it!

Mrs. Briggs says that she went up to the sick room *in consequence of something* Alice Yapp said to her. Now, why did not the Coroner ask her what that *something* was? It was his duty, sitting as Coroner, holding a roving commission to hear anything touching the cause of death of the man whose corpse the Coroner's Jury had viewed to ask her what that *something* was. His neglect to do so was a grave miscarriage of justice.

If that *something* could be known, the Maybrick Mystery would be solved. Mrs. Briggs having, *in consequence* of that *something* which Alice Yapp said to her, rushed up or crept up into that sick room, disturbing the patient, says she telegraphed to Michael Maybrick. So she did. She telegraphed him, "Come at once; strange things going on here!" and then this Mrs. Briggs says she made a *communication* to Edwin Maybrick. Now, why did not the Coroner ask her what that *communication* was? It was clearly something touching the issue before the Jury—the cause of the death of the man whose corpse they had viewed. If we knew now what that *communication* was, and what the "strange things going on here" were, we should probably be able to solve what remains still—the Maybrick Mystery—

How, why, and by whom, was the charge of murdering her husband put upon Mrs. Maybrick?

Why did not this Coroner *ask Mrs. Briggs what were the symptoms* of James Maybrick when she went into that house and into that bedroom in that extraordinary way? They must have been *very marked* for her to think a nurse should be sent for!

Nurse Gore said at the Inquest:—

"On Wednesday, the 8th inst., I was directed to go to Battlecrease. I went and took charge of Mr. Maybrick, who was ill in bed. I reached the residence during the afternoon, and found Mrs. Maybrick in charge on my arrival."

Edwin Maybrick said at the Inquest:—

"On Wednesday, the 8th inst., I went to Liverpool, and when I returned to Battlecrease, deceased was worse."

At the Magisterial Inquiry, *Mrs. Briggs* said :—

"On the 8th of May I went to Battlecrease. There Alice Yapp *spoke to me, and in consequence of what she said* I went into Mr. Maybrick's room, Mrs. Maybrick following me. *He told me his symptoms*, and she told me *not to disturb him.* I advised her to get a nurse. She said there was no occasion for one, *but I telegraphed* to the Nurses' Institution for one when I left the house. I also telegraphed for Mr. Michael Maybrick, and on the same afternoon saw Mr. E. Maybrick at the Central Station, when *I made a communication to him.*"

Cross-examined :—

"On Wednesday, May 8th, I and my sister went up to Mr. Maybrick's room. We were *shown to it direct, without having seen or consulted Mrs. Maybrick.* I found him *very restless, but not excited.* When she came in I was talking about his symptoms. She stopped the conversation, and said if I would come downstairs she would tell me all about it in five minutes. She *told him not to distress himself, as she would tell me about it. She told me not to disturb him.* I heard afterwards that Dr. Humphreys had *given orders that he was to be kept as quiet as possible.* It was on this occasion I suggested she should send for a trained nurse. That was *because I thought him dangerously ill.* I said to her I thought it would take a great deal of responsibility off her shoulders. I may have said to Mrs. Maybrick that I thought he was very ill, but I cannot say positively. She did not tell me that she had telegraphed for a nurse. The telegram to the Nurses' Institution *was written in Mrs. Maybrick's presence in the house.* I can't remember whether she asked *me to write it. She paid for it.*"

Now, why did not Mrs. Briggs tell the Coroner's Jury this? and why did she represent to the Magistrates in her examination in chief :—

"I advised her to get a nurse. She said there was no occasion for one, but I telegraphed to the Nurses' Institution for one."

Why did not Mrs. Briggs *speak the truth* at the Coroner's Inquest and the Magisterial Inquiry in her evidence in chief, and not wait until it was dragged out of her in cross-examination? She thought James Maybrick *dangerously ill* on the Wednesday morning the 8th. This woman formed a better judgment of the state of James Maybrick's health on the morning of that Wednesday the 8th, and a better diagnosis of his symptoms than Dr. Humphreys would have us believe he did.

Dr. Humphreys gave no evidence at the Magisterial Inquiry as to this Wednesday 8th of May, but—

Edwin Maybrick said :—

"On Wednesday, the 8th, I saw him again, when he was worse, though he had been a little better earlier in the morning."

At the Trial, Dr. Humphreys said :—

"My next visit was on Wednesday the 8th, when *I found him better.* I made no change in his treatment, there *being no sickness.*"

Humphreys and Carter.

Q. No more symptoms than there were on the 7th?
A. No, but he had had *a restless night.*
Q. And his condition was still as hopeful as it had been the night before?
A. Yes.
Q. Did you say to Mrs. Maybrick, or use words to that effect, that all depended on how long he would hold out?
A. No.
Q. Did you say that he was "sick unto death," or any words to that effect?
A. No.
Q. Had he been in any way *delirious since the Sunday*, or did you say so?
A. No.

These questions, of course, refer to the expressions used in Mrs. Maybrick's letter to Brierley, which Alice Yapp *alleged* that she had intercepted on Wednesday. I refer my readers to my comments on that letter under the heading, "The Brierley Incident, but I will mention here that the expressions used in that letter are not quoted there as words said by Dr. Humphreys on this Wednesday at all. The words in that letter, if they are genuine, are—

"Since my return I have been nursing him day and night—'*he is sick unto death.*'
"The doctors held a consultation yesterday, and now all depends upon how long his strength will hold out."

Those expressions are Mrs. Maybrick's own—they are not represented as being words actually used by Dr. Humphreys on this Wednesday, the 8th, or even by the doctors who "held a consultation yesterday." If that letter was written on that Wednesday, Mrs. Maybrick, like Mrs. Briggs, thought him, to use Mrs. Briggs's expression, "dangerously ill," and she and Mrs. Briggs were right and Dr. Humphreys was wrong.

Dr. Humphreys went on to say:—

Q. Did you see him again on Wednesday, the 8th May?
A. Yes.
Q. Did you send any telegram about a nurse?
A. Yes, one *about nine o'clock in morning.* Mrs. Maybrick asked me on the morning of the Wednesday prior to death to telegraph to Mrs. Howell, her nurse, who had been with her in her confinement, to come to attend on her husband, *as she was getting tired herself.* I had no other conversation beyond that, and I went to a telegraph office and sent a message to the nurse at Halewood, signing no name, but saying Mrs. Maybrick would like to have a nurse. About seven o'clock p.m. I went to the house and found Nurse Gore there. I have not been informed up to the present time why Mrs. Howell was not called. *At that time the patient was not worse. I cannot state whether my attention was called to the state of Mr. Maybrick's bowels. I did not make any change in the medicine or prescribe anything that afternoon.* About 10-30 p.m., Michael

Maybrick came to my house and *asked* about his brother's health and prospects. The interview was lengthy, but I *did not go to the house* with the brother. Humphreys and Carter.

Q. And in cross-examination you saw him again on Wednesday, the 8th. How did you find him going on?

A. Going on favourably.

Q. On Wednesday, the 8th, there was no sickness?

A. No prominent sickness. There might be sickness, but I knew that it was very rare.

Q. He was still going on favourably that morning?

A. No, I could not say so.

Michael Maybrick's evidence at the Trial was :—

"The next time I saw him was on Wednesday, the 8th May. On the 8th May I received three telegrams, one from Mrs. Briggs, and in consequence of the contents of these messages I left London the same day for Liverpool. I was met by my brother Edwin at Edge-hill, and drove with him to Battlecrease House. I was told on the way *about a letter written to Mr. Brierley, and it was read to me at the house.* I met Mrs. Maybrick on the landing near the bedroom of my brother. I asked for the room, and was shown it. I found Nurse Gore there. Mrs. Maybrick followed me into the room. *I was much shocked at my brother's condition*, and can hardly remember what I said then. Afterwards, downstairs, I told Mrs. Maybrick that I had *very strong suspicions of the case.* She asked what I meant, and I replied *that she ought to have called in professional nurses, and also another doctor, earlier.* At that time I had heard that Dr. Humphreys was in attendance, and that a nurse had been procured that day. I also learned that Dr. Carter had been called in as a consulting physician. Mrs. Maybrick said that no one had a better right than a wife to nurse her husband, and I agreed with this. I reiterated that I was not satisfied with the case, and that I would go and see Dr. Humphreys, which I did. I had some conversation with Nurse Gore that night. I slept in the house that night on the top floor."

And in cross-examination :—

Q. When you came down on Wednesday, May 8th, what time did you arrive at "Battlecrease"?

A. At about half-past nine o'clock.

Q. Where did you first see your brother Edwin?

A. At Edge-hill.

Q. Did he then show you the Brierley letter?

A. No, he told me of it.

Q. Told you the purport of it?

A. Yes.

Q. And, I suppose, told you the circumstances under which he had obtained it from Nurse Yapp?

A. Yes.

Q. You were astonished to see the state your brother was in?

A. I was.

Q. You say that he was very ill?

A. Very ill, indeed.

Q. In a semi-conscious condition?

A. A sort of semi-conscious condition.

Q. I think Mrs. Briggs was there, was she not?

A. No.

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Q. Was she not there at the time you arrived?
A. No; certainly not.
Q. Did you learn that she had been there earlier in the day?
A. Yes, I was told so.
Q. Did you see her the next morning?
A. I did.
Q. She took a very serious view of the case, did she not?
A. Yes.
Q. She intimated to you that she had taken a very serious view from the first?
A. Yes.
Q. And that she had been there early on the previous morning?
A. Yes.

So that not only did Mrs. Briggs think him "dangerously ill," or as she expressed it at the Trial was in a very bad way, "in serious peril," but Michael Maybrick, to whom she communicated that she had taken "a serious view of the case from the first"—himself was "shocked at his brother's condition"—thought him "very ill indeed," and found him in "a sort of semi-conscious condition." Nurse Gore, too, as will be seen when I come to quote her evidence, also thought him very ill indeed, and "unable to get out of bed without assistance," and if Mrs. Maybrick did really write her letter to Brierley on that Wednesday, in which she said—

"'he is sick unto death.' The doctors held a consultation yesterday, and it all depends now how long his strength will hold out,"

she was merely expressing in her own language what both Mrs. Briggs and Michael Maybrick expressed in scarcely less forcible phrases as their view of James Maybrick's condition on that Wednesday the 8th of May, but *mirabile dictu!* Dr. Humphreys alone said he considered he was better! Well, my readers must form their own opinions whether Mrs. Maybrick, Mrs. Briggs, Michael Maybrick, and Nurse Gore were right and Dr. Humphreys was wrong! and if James Maybrick was, as Dr. Humphreys said, *better* on this Wednesday than he was on Tuesday when he and Dr. Carter had a consultation, and formed "a hopeful prognosis," all I can say is neither one or other of these doctors who were attending this poor man, could have known anything about their business. James Maybrick was, in fact, "dangerously ill," was "in a serious condition," was "in a very bad way," was "very ill indeed," was "in a semi-conscious condition," was "unable to get out of bed without assistance," was in "serious peril," was "sick unto death" (use what phrase you like) on that Wednesday the 8th of May, but Dr. Humphreys and Dr. Carter formed a "hopeful prognosis" on Tuesday, and Dr. Humphreys alone thought him "better" on Wednesday the 8th of May, "and treated him accordingly, and prescribed for him accordingly," and made a mistake.

Mrs. Briggs's evidence at the Trial was:—

"I went to Battlecrease House on Wednesday, the 8th of May, and saw Alice Yapp there, who made a statement to me. I went upstairs

to the patient's bedroom, and I was closely followed by Mrs. Maybrick. He tried to tell me his symptoms. He said that he was *very weary* and *very restless*. When he commenced to talk to me Mrs. Maybrick interposed and said, if I would go downstairs she would tell me what was the matter with him. Thereupon I descended, but Mrs. Maybrick didn't tell me anything when they got downstairs, or at all events I do not remember what she said. I suggested that a nurse should be called in, but Mrs. Maybrick said there was no occasion for one, as she would nurse him herself, and she said that that was also the opinion of the doctor. I left the house between eleven and twelve o'clock in the morning, and on the same day I saw Mr. Edwin Maybrick, to whom I made a communication."

And in cross-examination :—

Q. Except calling to inquire how Mr. Maybrick was, you were *not at the house during the illness until the 8th— the Wednesday*—that would be two days before Mr. Maybrick died?

A. That is the case.

Q. You were aware, were you not, that his brother, Mr. Edwin Maybrick, had been in Liverpool since the 25th of April?

A. *I knew of his arrival in Liverpool.*

Q. *And you knew that he was in communication with Mr. Michael Maybrick, his brother?*

A. *Yes.*

Q. *So that if it was considered necessary* to communicate with Mr. Michael Maybrick, Mr. Edwin Maybrick could have done so?

A. Yes.

Q. The fact was, *Mrs. Briggs*, when you saw this poor gentleman, you *came to the conclusion that he was in a very bad way?*

A. Yes.

Q. *And you expressed your opinion to that effect?*

A. Yes.

Q. Is it not a fact that he was in a very much more serious condition than you thought up to that time?

A. Yes.

Q. Mr. Edwin Maybrick had been stopping in the house for some time?

A. Yes.

Q. And had been, I don't know whether every night, but off and on, from his arrival on the 25th April, had been actually sleeping in the house?

A. I don't know that.

Q. You, in fact, *formed a very bad opinion* of the man's condition?

A. Yes.

Q. You formed a very serious opinion of it. You *thought him in peril?*

A. Yes.

Q. *Serious peril?*

A. Yes.

Q. I must ask you to remember one or two things you have not told us about, which occurred that morning. Don't you know that on Wednesday before your visit Mrs. Maybrick had telegraphed to Halewood for a nurse?

A. I know now. I did not know then.

Q. You did not know then?

A. No, she did not tell me herself.

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Q. You have now ascertained it?
A. Yes.
Q. Was it your suggestion that the nurse sent for should be a trained nurse?
A. Yes.
Q. And did she fall in with your suggestion?
A. Yes, in the end.
Q. Did you hear that after the arrival of Dr. Humphreys?
A. I don't know who told me.
Q. *I think you wrote the telegram in her name, showed it to her, and she paid* for it and sent it by a messenger?
A. No, I took it myself.
Q. *She paid for it?*
A. Yes.
Q. When did you hear about the *fly-papers*?
Q. *I heard about them on Wednesday.*
Q. And did you speak about them to Mrs. Maybrick?
A. No.

So that we must assume that the "something" which Alice Yapp said to Mrs. Briggs, before she went up clandestinely into James Maybrick's bedroom, was about "fly-papers," and that this is what Mrs. Briggs meant when she telegraphed to Michael Maybrick—"strange things going on here"—after she had seen that James Maybrick was in "serious peril," and "dangerously ill," and in "a very bad way," &c., and we must assume that the "*communication*" she made to Edwin Maybrick was about "fly-papers," and the long interview Michael Maybrick had with Dr. Humphreys was about "fly-papers," and yet Dr. Humphreys, thinking his patient "better in the morning at 8-30 a.m.," and "going on favourably," and having seen him again at seven o'clock, "at that time the patient was not worse," formed, in fact, such a hopeful prognosis of the case, that notwithstanding the story about "fly-papers," he did not even think it worth while to "go back to the house with the brother." Well, my readers must come to their own conclusions about Mrs. Briggs and Edwin Maybrick, who, when a servant girl tells them some mysterious story about fly-papers, and suggests that her mistress is poisoning her master with them, say nothing about it either to James Maybrick, Mrs. Maybrick, or to Dr. Humphreys, but telegraph to Michael Maybrick, who is in London! and my readers must also come to their own conclusions about Dr. Humphreys, to whom Michael Maybrick, when he arrived from London that night, went and told this story of Alice Yapp's, about fly-papers, which Edwin Maybrick and Mrs. Briggs had kept back from him, who was the medical man attending James Maybrick throughout his illness, and even then the alarm about "fly-papers" could not have suggested to his mind that the *symptoms* were those of arsenical poisoning, or of any "irritant poison," or he would have gone round to the house with the brother; he only lived within ten minutes' walk of the house, and

would have tried some antidote, and would have communicated with Dr. Carter at once. Humphreys and Carter.

Edwin Maybrick's evidence at the Trial was :—

"On Wednesday, 8th, he appeared *a little better after Dr. Carter* had visited him ; *he felt himself better and said so*, and he added he did not think it necessary to bring in his brother Michael. Mrs. Maybrick *mentioned her wish of getting a nurse* from Halewood, and at mid-day she telegraphed to me that she had telegraphed for a nurse, as *he had been worse in the morning*. On receiving that message I telegraphed to my brother Michael. On that same Wednesday I had a *consultation with Mrs. Briggs* at a place in Bold Street, where she desired a *consultation* with me, and afterwards I went to the Nurses' Institution, where I engaged Nurse Gore to attend to my brother. I afterwards had a *conversation with Alice Yapp* in the garden of the house. I went with Alice Yapp to a seat in the garden, where we had some conversation about Mr. Maybrick. I subsequently went to make arrangements about nurses."

Q. The conversation about the nurse from Halewood being sent for was early on Wednesday morning, was it not? before you went to town?

A. Yes.

[NOTE.—*At 9-37 a.m., that Wednesday morning, Mrs. Maybrick sent a telegram to her mother in Paris, the original of which has been entrusted to me.*

"Jim very ill again."

A. W. McD.]

So it appears that Edwin, like Dr. Humphreys, thought his brother "*a little better*" on this Wednesday morning, and, although Mrs. Maybrick wanted to have a nurse sent for early in the morning before he went to town, he did not seem to think it necessary. She "mentioned" it, and later in the day telegraphed. She sent for one, and that was all he knew about it until he had *a consultation with Mrs. Briggs* and *a conversation with Alice Yapp* on a seat in the garden. I should very much like to know what these two women said to him?

[NOTE.—*Dr. Carter, in his article in the "Liverpool Medico-Chirurgical Journal," says :—*

"In the forenoon of the following Wednesday Mr. Edwin Maybrick called upon me and asked me what I thought of his brother's condition. I told him again what Dr. Humphreys and I had stated the day before, viz., that though he was very ill we trusted that he would recover. I mention this circumstance because it must have occurred at nearly the same time as that at which the expression 'he is sick unto death' was written in the intercepted letter ; and it shows that at that time a necessarily suspicion of foul play was not in my mind. If any suspicion of foul play was then entertained by Mr. Edwin Maybrick he did not mention it, as nothing was said beyond what I have now related."

Humphreys and Carter.

Why Edwin should have gone to see Dr. Carter (whom he had seen at the consultation with Dr. Humphreys the day before, and who had not seen the patient since), on this "forenoon," is not quite clear; if he was satisfied with the "hopeful prognosis" Dr. Carter and Dr. Humphreys had formed and expressed, or if Edwin really thought his brother better on this Wednesday morning! It lets a little light into the state of Edwin's mind, and suggests that he really, like Mrs. Briggs, thought—notwithstanding the "hopeful prognosis" of these doctors—that he was "in serious peril," and went to see Dr. Carter by himself, privately, and get at his real opinion. But this paragraph lets a light into another aspect of this Maybrick case, viz., the demeanour of Dr. Carter himself. This sensational reference to this interview with Edwin Maybrick in the "forenoon" having "occurred at nearly the same time as that at which the expression 'he is sick unto death' was written in the intercepted letter," is characteristic of the man! if not worthy of the doctor! The alleged intercepting of the letter was at half-past 3 o'clock in the afternoon, and Dr. Carter had neither seen nor heard anything of the patient since 5 o'clock p.m. on the preceding day!—A. W. Mc.D.]

Mrs. Hughes's evidence at the Trial was :—

Q. When had you a conversation with Alice Yapp?
A. On Wednesday.
Q. What did Alice Yapp say?
Sir Charles Russell : I object.
The Judge : Sir Charles Russell is quite right.

Of course the Judge, when Sir Charles Russell objected, was quite right in allowing the objection; but why, in the name of common sense, did Sir Charles Russell object? That is the very thing we want to know. What did Alice Yapp say?

If we can get the answer to that question, which is the one which the Coroner ought to have put at the Inquest, where he was not bound by "rules of evidence," but was bound to hear everything relevant and to gather everything relevant to the issue before the Jury as touching the corpse whose body they had viewed, we should to-day know how, why, and by whom the charge of murdering her husband was put upon Mrs. Maybrick.

I have already set out the statement by Mrs. Briggs to a newspaper reviewer as to what this conversation with Alice Yapp was, and also Alice Yapp's emphatic denial of it. It is most unfortunate that Sir Charles Russell objected! Let us hear it now! It will solve the Maybrick Mystery more easily than any of the evidence given as to the "symptoms" and "treatment" up to this Wednesday night, the 8th of May, at all events, will do.

At the Trial Nurse Gore said :—

Q. Were you, on the 8th of May, sent for to nurse Mr. Maybrick?
A. Yes.
Q. What time did you get there?
A. About a quarter past two o'clock.
Q. In what condition did you find him?
A. *Very ill.*
Q. Did you judge what was the matter with him?
A. No.
Q. How did he look to be?
A. *Very ill, indeed,* and in bed.
Q. Anything else?
A. *His feet and legs were very cold.*
Q. Anything else?
A. *I was told he had been vomiting before I arrived.*
Q. *Did he vomit when you arrived?*
A. *Not that day.*
Q. Did he seem to be quite conscious?
A. Yes; he told me the doctors did not know what was the matter with him, but believed it was something wrong with his liver and stomach.

Cross-examined by Sir Charles Russell :—

Q. You are a trained nurse, and have given your services in many serious cases of illness?
A. Yes.
Q. When you arrived on Wednesday, did you consider Mr. Maybrick *was very ill,* did you not?
A. Yes.
Q. And I take it from your experience *you really thought that he was very ill?*
A. Yes.
Q. Did you express that opinion?
A. No.
Q. You entertained it, but you did not express it?
A. Yes.
Q. I wish to get from you particularly the hours during which you were in personal charge. You arrived at 2-15.
A. About that time?
Q. On Wednesday, the 8th?
A. Yes.
Q. And you continued in charge until eleven o'clock on Thursday morning?
A. Yes.
Q. You were then succeeded by Nurse Callery?
A. Yes.

My readers will find, if they refer to Mr. Justice Stephen's charge to the Grand Jury, that, when referring to Mrs Maybrick's letter to Brierley, he said :—

"Then she said 'he is sick unto death.' That, of course, if it is interpreted that Mr. Maybrick was sick unto death, *when at the time it did not appear that any one had told her that he was in danger, is a circumstance of the greatest possible suspicion.*"

Humphreys and Carter.

Well, my readers have now got before them the whole of the evidence as to what everybody thought of James Maybrick's condition on that Wednesday, the 8th; and I think that that evidence disposes of that "circumstance of the greatest possible suspicion," which Mr. Justice Stephen suggested to the minds of the Grand Jury, and, through the newspaper reporters, of his speech to those who were to sit as the Jury at the Trial! Everybody, in fact, except Dr. Carter and Dr. Humphreys, thought him in serious danger.

May 9th, Thursday.—Nurse Gore continued on duty in the sickroom from Wednesday till 11 o'clock a.m. on Thursday, and was then relieved by Nurse Callery, who remained on duty till 11 o'clock p.m., when she was relieved by Nurse Gore, who continued on duty till 11 o'clock a.m. on Friday. During this time all foods and medicines were given to the patient by the nurses, under orders from Michael and Edwin Maybrick, to prevent Mrs. Maybrick from giving her husband anything, or from attending on him. Michael and Edwin Maybrick and Alice Yapp were also constantly about the sickroom; and Dr. Humphreys and Dr. Carter both visited the patient on this day.

Dr. Humphreys at the Inquest said:—

"On Thursday, the 9th of May, I again visited him and found him no better, rather worse. He was then under the care of a nurse. He was suffering now from *looseness of the bowels*. His *tongue* was still very furred—his *throat* very distressing, and irritated much by straining."

Q. Was there any *tenesmus* on this occasion?

A. That is what I mean by straining.

Q. Was there any irritation?

A. Yes, there was.

Q. Great irritation?

A. Yes.

The Coroner: We have it on the depositions "straining," irritating the throat. Is that what you mean?

A. No.

Superintendent Bryning: Just tell us what you mean by your words.

A. I mean his *throat* and *mouth* were in a similar condition to what they had been, if not worse; but, in *addition to this, there was* NOW *a painful condition of the lower end of the bowel, which occasioned frequent straining.*

Q. I think you said there was pain and great irritability in *the lower part of the bowels*?

A. Yes.

Q. Finding that, did you stop the medicine he was taking?

A. Yes.

Q. And did you supply *suppository of opium*?

A. Yes.

The Coroner: Did you form the opinion that deceased was suffering from irritant poison before death?

A. Yes. I first suspected deceased was suffering from irritant poisoning when the diarrhœa came on.

Mr. Mulholland: He has said that on Thursday, the 9th, Mr. Maybrick was suffering from *looseness of the bowels.*

The Coroner: He was suffering from *looseness of the bowels on Thursday night.* Did you then suspect he was suffering from *some irritant poison*?

A. I cannot say that.

Dr. Carter's evidence at the Inquest was:—

"I saw him again on Thursday, the day but one after Tuesday, the 7th, about four o'clock or half-past four o'clock. Dr. Humphreys was there when I saw him. *The patient was practically the same, with the exception of this tenesmus,* of which he prominently complained. This was on the Thursday."

Q. *Did you search for the cause of that tenesmus?*

A. I made an effort to examine the bowels, but it caused him such extreme pain that I was unable to persevere.

The Coroner: Are you able to say what was the irritant poison?

A. Most probably arsenic.

Q. *Did you form this opinion previous to death?*

A. *I did, sir.*

Q. *On which of your visits did you form that opinion?*

A. *The presumption was raised on Thursday.*

Q. Yes, the 9th, that he was suffering from an irritant poison?

A. Yes, it was.

Q. *Did you treat the case as one of poisoning?*

A. *Yes, we did.*

Edwin Maybrick said at the Inquest:—

"On Thursday, May 9th, deceased was still very ill, and a second nurse [Callery] was engaged."

Bessie Brierley's evidence was:—

"On Thursday, the 9th of May, the day but one before master died, I was told by Cadwallader, who was busy, to take a cup of tea to Mrs. Maybrick. I knocked at the door. Mrs. Maybrick was in the little dressing-room through the master's bedroom. Nurse Gore was in the master's bedroom as I passed through. *The nurse was rubbing his hands.* I gave the tea to the mistress, and on retiring through the room *the nurse was sitting on the side of the bed rubbing master's hands.* Mr. Michael Maybrick was taking something off the washstand, which looked like a small bottle. He put it in his pocket and walked out of the room. I merely saw something like a bottle going into his pocket. It was rather dark at the time."

At the Magisterial Inquiry *Bessie Brierley* said:—

"Either on Wednesday, 8th, or Thursday, 9th, I saw Nurse Gore in Mr. Maybrick's bedroom *rubbing his hands.* Mr. Michael Maybrick was in the bedroom, and I saw him take a small bottle off the washstand and put it into his pocket."

At the Magisterial Inquiry *Alice Yapp* said:—

"On Thursday morning, the 9th, I saw Mrs. Maybrick in the nursery. She said, 'Do you know I am blamed for this?' I said, 'For what?' She said, 'Mr. Maybrick's illness.' I said, 'For why?' She said Mr. Michael Maybrick blamed her for not having *another doctor* and a nurse. She said Dr. Humphreys—" [The witness could not be further heard.]

Sir William Forwood: Speak louder.

"*I suggested sending for another doctor and giving Mr. Maybrick all that was prescribed.*"

Humphreys and Carter.

At the Magisterial Inquiry *Elizabeth Humphreys* said :—

Elisabeth Humphreys.

"On Thursday, the 9th, Mrs. Maybrick spoke to me that day in the kitchen. She said, 'I am blamed for the master's illness.' I said, 'In what way?' She said, 'For not calling in *another doctor and a nurse*.' She said further that it was through Mr. Michael."

At the Magisterial Inquiry Dr. Humphreys gave no evidence as to Thursday, the 9th, but *Dr. Carter* said :—

"I saw him again on Thursday, the 9th. He *seemed substantially the same, with one added symptom*, when he complained to me *for the first time of severe tenesmus*—a desire to go to the closet without being able. *I had a very strong presumption that the symptoms were due to irritant poison other than irritating food.*"

Michael Maybrick.

At the Magisterial Inquiry *Michael Maybrick* said :—

"On Thursday, 9th of May, I saw Dr. Carter, and made a communication to him."

Dr. Carter.

[NOTE.—*As it was on this day that Dr. Carter came to a very strong presumption that the patient was suffering from an* irritant poison, *I think it will be convenient to set out here Dr. Carter's description of the* communication *made to him on that day by Michael Maybrick, and it will no doubt occur to my readers that it was* Michael Maybrick's communication, *and not* James Maybrick's symptoms, *which formed the ground of Dr. Carter's "very strong presumption." In Dr. Carter's article in the "Liverpool Medico-Chirurgical Journal" he tells the following story, which he ought to have told at the Coroner's Inquest, but kept for his article in that medical journal, and at the risk of infringing his copyright I set it out before the general public, as it appears to me to throw a good deal of light upon the way in which Dr. Carter, at all events, formed his diagnosis of his patient's symptoms, and as to how and by whom the charge of murdering her husband was put upon Mrs. Maybrick:—*

"At 4-30, on the 9th, I again went out in response to a telegram, and then, for the first time, saw Mr. Michael Maybrick. 'Now, what is the matter with my brother, Dr. Carter?' was a question put to me very abruptly, in the presence of Dr. Humphreys, before we had had any opportunity of further conversation beyond what had been held by us on the 7th. I therefore simply repeated the opinion that we had formed and expressed then. 'But what is the cause of it?'—*i.e.*, of the acute dyspepsia—was the next question, as abruptly put as the first. 'That is by no means clear to us,' I replied, 'It may have been caused by many things. The conclusion we formed was, that your brother must have committed a grave error of diet, by taking some irritant food, or drink—or both, and so have set up inflammation.'* Turning then sharply to Dr. Humphreys, the questioner asked him if he had informed

*I desire here to emphasise the fact, on which I strongly insisted at the Trial, that from the first I stated that we had to do with something far more serious than a mere *congestion* of the mucous membrane, such as is sometimes caused by disordered liver or heart. *The word congestion was never once used by me.* I always spoke of the affection as inflammation.

me of the subject of their last night's conversation. Dr. Humphreys simply replied that he had informed me of nothing. All this was a matter of great surprise to me. I did not know until that moment that any conversation had taken place; and as I had had no communication directly or indirectly with Dr. Humphreys since the time when it was said to have been held, I looked at the speaker, wondering what was coming next. The suggestion that has been so often referred to, and so much commented on, was then made. It was made under the influence of very strong emotion, the speaker's mind evidently struggling under a conflicting sense of what was due to his brother on the one hand, and of possible injustice to that brother's wife on the other. 'God forbid that I should unjustly suspect any one,' he said, in reply to an observation made by myself; 'but do you not think, if I have serious grounds for fearing that all may not be right, that it is my duty to say so to you?' We thought that it was. We heard all that there was to say; that only so lately as the middle of April the patient had been able to eat any ordinary food during a visit to his (the brother's) house; that this contrast between the condition of health, while at and away from home respectively, had been the subject of remark, and had been noticed before; that there had been a most serious estrangement between the husband and wife; that the wife was known to have been unfaithful; and that just before the commencement of the illness she was known to have procured many fly-papers; and having heard this, and consulted together, we stated clearly what we conceived to be our own duty under the painful circumstances. The grounds of the suspected, or rather of what was stated to be the positively known infidelity, were not mentioned; and it was not until it was read at the Coroner's inquest that I was aware of the existence, much less of the contents, of the intercepted letter. It is impossible to say what the effect of a knowledge of these contents, and especially of the references to a sickness unto death, to delirium, and to the reported opinion of the doctors, might have been on my mind had I possessed it. As it was, we were dependent on the general statements that I have just reported, which, though evidently made under a sense of great responsibility, we had no means of confirming or contradicting, and at once to have jumped to the conclusion—not only that they were necessarily correct—but that the terrible possibility to which they seemed plainly to point was a fact, appeared to us to be quite unjustifiable. What we decided on as our duty, after most anxious deliberation, was to surround the patient with such absolute safeguards as would prevent *any one* from tampering with him, and to maintain an attitude of great vigilance. While endeavouring to keep our minds open and free from what might prove to be unjust suspicion, we could not help remembering that we had been obliged to confess our inability to explain the illness except by a hypothesis, of the correctness of which we had no evidence; and to admit to ourselves that, if what was hinted at were true, much that had been obscure to us at the outset might possibly be cleared up. The patient was practically in the same state on the 7th, with the addition of tenesmus. This had come on in the night, and was very distressing to him. It was with a feeling of intense relief that I found the specimen of Neave's Food, that had been given to me for examination on the 9th, free from any trace of metallic irritant."

From this narrative of the birth of suspicions in Dr. Carter's mind it appears that Dr. Humphreys had not the night before been affected as Dr. Carter was with the almost theatrical bathos with which Michael Maybrick succeeded in implanting suspicions into the mind of Dr. Carter about the young lady he had seen sitting in the bedroom window on his previous visit on Tuesday, and whom he did not then know to be Mrs. Maybrick, and to whom he had never spoken except to give general directions as to giving food, and whom he says he

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never saw again—until, I suppose, the Magisterial Inquiry and the Trial! Michael Maybrick had, it appears, gone round to Dr. Humphreys' house on the night before—directly after he arrived from London, and had seen his brother and "been shocked at his condition," and told Mrs. Maybrick that he "had very strong suspicions of the case," and that his suspicions were that she ought to have called in another doctor and a nurse earlier, and having arrived at Dr. Humphreys' house that night and had a lengthy interview with him, had told him his suspicions—were not anything to do with not having called in another doctor and a nurse. That would not have been polite to Dr. Humphreys! So Michael, it appears from this narrative, had poured into his ears suspicions that Mrs. Maybrick was poisoning her husband. It does not appear whether Michael Maybrick adorned his eloquence on that occasion with the impassioned exclamation which Dr. Carter reports verbatim—

"God forbid that I should unjustly suspect any one,"

or whether he conveyed his suspicions to Dr. Humphreys "abruptly," or gently whispered them; but what does appear from this narrative of Dr. Carter is, that Michael Maybrick did not succeed in making any impression upon Dr. Humphreys, who did not go back to the house to see the patient, but went to bed, and up till this four o'clock or half-past four the next day, when he again met Dr. Carter in consultation, did not attach sufficient importance to Michael Maybrick and his "suspicions" to communicate them even to Dr. Carter, who was attending the patient with him. Perhaps Dr. Humphreys felt that "James Maybrick's symptoms" were a better guide for the medical treatment of a patient than "Michael Maybrick's suspicions." Dr. Carter does not disclose in this narrative what the details of these suspicions were. He speaks of them as simply—

"The suggestion that has been so often referred to and so much commented on."

Well, I have searched through the evidence in this case, and that is exactly my difficulty. I can find nothing which says distinctly what that suggestion was. The nearest approach to any exposition of it is "Fly-papers"! but if the Coroner had done his duty when presiding over the Inquest with his roving commission to take whatever is offered which was relevant to the issue, this suggestion would have been known. However, on this Thursday afternoon, Michael Maybrick, having spoken "with great emotion," and with his "mind evidently struggling under a conflicting sense of what was due to his brother on the one hand and of possible injustice to that brother's wife on the other hand," Dr. Carter and Dr. Humphreys conferred, and after "the most anxious deliberation" decided that their duty was to say nothing

to Mrs. Maybrick about it, but to let her have free access to the sick room, and—

"to surround the patient with such absolute safeguards as would prevent *any one* from tampering with him, and to maintain an attitude of great vigilance."

I do not know why Dr. Carter put the words "any one" into italics in this passage. Perhaps the instinctive thought which compels every mind when the word "suspicions" is heard, to ask, "Who suspects?" had crossed his mind; or perhaps Edwin Maybrick was present, and had interposed the remark he made when giving his evidence at the Trial as to the instructions given to Nurse Gore, that nothing was to be given to the patient and that no one was to attend to him at all except the nurses, but did not mention any names:—

"I would exclude her [Mrs. Maybrick], and everybody else except the nurses."

Q. But there was nobody else to exclude?

A. There might have been a servant for all I know.

Perhaps this is why Dr. Carter put those words "any one" into italics. It is all very odd! and perhaps Dr. Carter knew these professional nurses to be good detectives, and that their presence would form "absolute safeguards," while he and Dr. Humphreys maintained an attitude of great vigilance. It is all very odd! But these doctors having given the matter "their utmost deliberation" they went upstairs to see the patient, and Dr. Humphreys told the Coroner's Jury that he was put "in a peculiar position;" that he had not formed the opinion that his patient "was suffering from an irritant poison until the suggestion was made," and that "the suggestion was made before the conception of the thought!" but that then it came across his mind on that Thursday, the 9th—

"the symptoms were consistent with an acute congestion of the stomach, or with the taking of an irritant poison."

and that the symptoms which led to this belief were—

"the diarrhœa and the straining and the great cardiac failing"

which he said were the symptoms *of arsenical poisoning. Up to this time we have heard nothing about "the great cardiac failing;" on the contrary, on Tuesday, the 7th, Dr. Carter and Dr. Humphreys had found the condition of the heart normal, but the diarrhœa and straining did come on, according to Dr. Humphreys, on this Thursday. Dr. Carter, too, formed the very strong presumption on this Thursday that the patient was suffering from "some irritant poison, most probably arsenic;" and he told the Coroner's Jury that the* symptoms *which displayed themselves by which he was enabled to come to this conclusion were—*

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"Vomiting—urgent and continued, and extremely obstinate. This was followed by diarrhœa, an incessant choking sensation in the throat; a gradual failing of the circulation followed by sinking."

My readers will remember that there had been none of this vomiting since Dr. Carter had appeared upon the scene on Tuesday, the 7th—the vomiting which had occurred had been previous to Dr. Carter being called in—and that Dr. Humphreys attributed this vomiting to morphine suppository he had administered, as it was the usual result of morphia! and when Dr. Humphreys was attending and up to this Thursday nothing had been said about "a gradual failing of the circulation!" There is, however, one thing in this narrative of Dr. Carter's which requires very special attention. It is in the note he attaches to the narrative—

"The word *congestion* was never mentioned by me. I always spoke of the affection as inflammation."

Now this is a very bitter professional slap in the face for Dr. Humphreys, as Dr. Humphreys used this word "congestion" very frequently during the proceedings. I will quote a few. At the Coroner's Inquest Dr. Humphreys said—

"The *symptoms* were explainable by what I presumed to be an acute *congestion* of the stomach."

Q. Then we come back to this, that these symptoms were consistent with an acute *congestion* of the stomach, or with the taking of an irritant poison?

A. Certainly.

Q. You thought it arose from acute *congestion* of the stomach till the suggestion was made that it arose from the other source?

A. Certainly.

Then as to the appearances at the post mortem—

Q. Do the post-mortem appearances cover this, that there was considerable *congestion* of the stomach and intestines?

A. Quite so.

Then at the Magisterial Inquiry—

Q. As to the post-mortem appearances, what did they substantially come to?

A. We found a considerable amount of *congestion* and inflammation of the stomach and intestines.

Dr. Humphreys. *And at the Trial Dr. Humphreys said that on Tuesday, the 7th, at the consultation with Dr. Carter—*

"We held the opinion that he was going on *very favourably*, and would be well in a few days. I formed the opinion that Mr. Maybrick was suffering from *congestion of the stomach*."

Q. And in your opinion what was the cause of death?

A. Acute *congestion* of the stomach.

Q. Do you call that gastritis or gastro-enteritis?

A. Yes, gastritis or gastro enteritis.

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Q. Now up to the 8th of May, Wednesday, you would have given a certificate that he died of acute *congestion* of the stomach?

A. Yes.

It is really a little hard upon Dr. Humphreys, this medical man who had been attending James Maybrick all through his illness, to get such a rap across the fingers as Dr. Carter has thought it necessary to give to him before the medical readers of the "Liverpool Medico-Chirurgical Journal"—

"The word *congestion* was never used by me,"

but addressing myself to the general public, I think that this falling out between these two doctors who attended James Maybrick will be useful in enabling them to form an opinion on the "cause of death," and of the value of their evidence about it!—A. W. Mc.D.]

It is very difficult to distinguish between "James Maybrick's symptoms" and "Michael Maybrick's suggestions," they are so mixed up together; but at the Trial the evidence given as to this Thursday, the 9th of May, was:—

Bessie Brierley:—

Bessie Brierley

"On Thursday, 9th of May, I remember taking a cup of tea into the mistress's bedroom. It was the front room I took it into. As I passed through the chamber Mr. Maybrick was in bed, and the *nurse was rubbing his hands.* When I passed through on returning Mr. Michael Maybrick was in the room, and I saw him take something off the washstand. I think that this occurred on Thursday evening."

Elizabeth Humphreys:—

Elizabeth Humphreys

"On Thursday evening, the 9th of May, I went to my master's bedroom, and as I got to the bedroom door I met Mrs. Maybrick coming out. I afterwards returned to the kitchen, and Mrs. Maybrick followed me. She ordered dinner, and after giving the order she began to complain, and used the words 'I am blamed for all this.' I asked her in what way, and Mrs. Maybrick replied, '*In not getting other nurses and doctors.*' After saying this she went into the servants' hall, and there commenced to cry. She said she was very much put out, and added that her position in the house was not worth anything."

By the learned Judge: Mrs. Maybrick said "All this is through Mr. Michael Maybrick."

Mr. Swift: Tell us all she did say.

A. That he had always had a spite against her since her marriage. Mrs. Maybrick told me that she had been turned out of the bedroom, and not allowed to give him his medicines. In speaking of Mr. Michael Maybrick, I remember that she said that if she went out of the house he would not let her enter it again. She said if she could she would turn us every one out of the house. I asked if I had done anything to her, and she said "No." I saw her several times after that before master died. On the Thursday I asked her how the master was, and she replied that he was no better. *She said that inflammation had set in, and I replied that it was very dangerous.*

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Cross-examined :—

Q. Did it seem to you that she was attending to her husband?

A. She seemed very kind to him and spent all her time with him.

Q. And when she told you she had been blamed, you took her part? You sided with her?

A. Yes, I did, because I thought she was doing her best under the circumstances.

Q. You sympathised with her, in fact?

A. I did, certainly.

Q. And she was in great distress?

A. She was very much grieved over it, and was very sorry. She was crying.

Q. Crying in a manner pitiful to witness?

A. Yes, she was, indeed.

Q. At that time you were aware that what particularly distressed her was that she was no longer recognised as mistress of her house?

A. Yes; and I told her I would rather be in my own shoes than hers.

Q. You knew she was set aside by her brothers and these nurses?

A. Yes, she was set aside.

Mr. Addison, Q.C.

Now I really do not know what object Mr. Addison had in view in putting this evidence before the Jury in this Trial for Murder by Arsenic, but, as I have said, "James Maybrick's symptoms," and "Michael Maybrick's suggestions," became, on this Thursday, the 9th of May, so mixed up together that I do not know how to deal with the evidence about symptoms and treatment without setting it out, and probably Mr. Addison also did not know how to separate them.

And now, men and women of England! I put that picture before you of the state of things in that household on that Thursday, the 9th of May, that picture of this young mistress and her cook, and I ask the question straight :—

"Why is Mrs. Maybrick in Woking Jail to-day?"

Is there an honest man or an honest woman who can stand by and permit it?

Is there an honest man or an honest woman who can tolerate that the Crown, when bringing forward such evidence of Mrs. Maybrick's conduct, should speak of her in the language with which Mr. Addison inflamed the Liverpool Common Jury against her, as a woman who was then engaged in—

"a Murder founded upon Adultery and profligacy, and carried out with a hypocrisy and cunning rarely equalled in the annals of crime."

Flesh and blood cannot stand this! As I write, and as my readers must read, I hurl back those words into Mr. Addison's mouth. The antithesis is too strong. It revolts back upon itself, and proclaims Mrs. Maybrick innocent, and compels the question to arise in every mind—

"How—why—and by whom was the charge of murdering her husband put upon Mrs. Maybrick?"

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Do not shirk this question. Let every single one of my readers answer it, and recollect that this woman is now passing a living death in our midst, and recollecting this, insist upon an answer to it; insist upon knowing whether it was "James Maybrick's symptoms," or "Michael Maybrick's suggestions," which led these two doctors, Dr. Humphreys and Dr. Carter, on that Thursday, to come to the conclusion that James Maybrick was suffering from irritant poisoning, most probably arsenic!

Dr. Humphreys.

Dr. Humphreys, at the Trial, said—

"I visited the patient again on the following morning, Thursday, the 9th of May, and found there had been *considerable straining*, the *bowels being loose*. This is what is termed *tenesmus*. He complained of pains in the rectum before I introduced the *suppository*. It had to be made and was afterwards introduced. On Thursday afternoon the deceased asked for Dr. Carter, and I said I would tell Dr. Carter, which I did, and he came out the same afternoon. Dr. Carter was present in the afternoon."

Q. Did you consider your patient's condition then as favourable as before?

A. Not so favourable.

Q. What were the unfavourable symptoms?

A. They were *diarrhœa* and *straining*. I saw the fæces that afternoon.

Q. Did they present any characteristic that led you to make more than a casual observation?

A. *They themselves did not, but I had a conversation with Mr. Michael Maybrick* which led me to believe that something more might be seen if a further examination was made.

Q. Was any further examination made?

A. Yes.

Q. Of the fæces?

A. Yes.

Q. You made a slight examination?

A. Yes.

Q. Was Dr. Carter aware of what you were doing?

A. Yes.

Q. What examination did you make?

A. I boiled them in copper with a little acid.

Q. What acid?

A. Hydrochloric acid.

Q. What were you testing for then?

A. I was testing for some metal—probably antimony, arsenic, or mercury.

Q. Some metallic irritant?

A. Yes.

Q. How much did you subject to the test?

A. About a tablespoonful.

Q. With what result?

A. Nothing conclusive.

Q. Be a little more explicit, doctor.

A. *I got no deposit on the copper.*

Now there is not a single legal reader of this examination in chief who will not see that this evidence of Dr. Humphreys about the *fæces* took Mr. Addison by surprise—that he had, in fact, never heard about it before—and that by the fact that any such testing the fæces was not mentioned in his brief, Mr. Addison was

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evidently taken aback. This examination by Dr. Humphreys of the fæces on this Thursday, the 9th, had been suppressed by him at the Inquest and also at the Magisterial Inquiry. Mr. Addison struggled with it, and put a suggestive question—

Q. You made a *slight* examination?

Then, when it turned out that Dr. Humphreys had actually tested by Reinsch's test, or hydrochloric acid, Mr. Addison asks a question which betrays his surprise. Surely Dr. Carter did not know you had done this.

Q. Was Dr. Carter aware of what you were doing?

And when Mr. Addison had recovered from his surprise, and at last asked—

Q. With what result?
A. Nothing conclusive.
Q. Be a little more explicit, doctor.
A. I got no deposit on the copper.

Now I will tell my readers this, that if there had been $\frac{1}{1000}$th, aye! one millionth, part of a grain of arsenic in those fæces, there would have been *a deposit on the copper*, whether that deposit was arsenic or any of the other metals.

"I got no deposit on the copper."

Dr. Humphreys then went on to say—

Q. Did you examine the urine at all?
A. I did the same afternoon, and subjected it to a similar test, but the result was negative—*there was no mineral deposit found in the urine.*

Not one word about testing *the urine* had been disclosed either to the Coroner's Jury or to the Magistrates. Why did Dr. Carter and Dr. Humphreys suppress this? I am sure that none of my legal readers will have the smallest doubt that neither the one nor the other were mentioned in Mr. Addison's brief, or he would not have asked such questions about them. This evidence must have come as a perfect surprise to him! and the answers as a still greater surprise!

Sir Charles Russell cross-examined Dr. Humphreys about this.

Q. You took on the Thursday, as I understand, some *fæces* which had been passed that afternoon, and you applied what is known as Reinsch's test?
A. Yes.
Q. Did you make more than one test?
A. I did not.
Q. You applied that test to both the *urine* and the *fæces*, that is to say, you added hydrochloric acid in each case, and then introduced a piece of copper foil?
A. Yes.

Q. *And you found no deposit?*
A. *No. I got no deposit.*
Q. *Did you report that to Dr. Carter?*
A. *I cannot tell whether I did or not, but I am positive that I told him some time or other.*
Q. That would be a negative test?
A. No, not of necessity.
Q. Why?
A. Because the quantity that I used was so small, and the time I boiled it such a short period, that there might not have been time for any deposit of any kind to take place. *Further, I am not skilled in the details of testing, and my test might have been inefficient.*

This struggling of Dr. Humphreys to annul the significance of the fact, hitherto suppressed, but at the Trial thus accidentally, and I say unhesitatingly, unintentionally, drawn out by Mr. Addison—this struggle by Dr Humphreys to annul the significance of the fact that he had tested by Reinsch's test both the *fæces* and the *urine*, and had got no deposit on the copper, by saying the quantity was too small, the time too short—that he was without skill, and that his test might be inefficient, was too much of a good thing for Sir Charles Russell, who proceeded—

Q. *That is candid, Doctor!* Then you mean to *convey* that, although you tried this experiment, you were not able to conduct it *successfully?*
A. I do not say whether it was conducted *successfully* or not. *I do not pretend to have any skill in these matters.*
Q. *Is it not a difficult test?*
A. No.
Q. And if there is arsenic it is supposed to make a deposit on the copper
A. Yes, if it is *boiled long enough*, and if there is *some quantity* there.

I wonder what those of my readers who are analysts will say to this? If there is *some quantity* there! *Some quantity* by Reinsch's test.

Q. I must ask you *how long* you did *boil it?*
A. *About two minutes.*
Q. Then you say it was at the boiling point two minutes?
A. I am sure two minutes were passed from the time I put the spirit lamp underneath the fluid.
Q. It may not have been *boiling* at all?
A. I am positive it was *boiling.*
Q. Positive?
A. Positive.
Q. You are quite clear on that?
A. *I am positive it was boiling.*

Sir Charles Russell, however, dealt still further with Dr. Humphreys' struggles, and put some questions to him *about the quantity* being sufficient:—

Q. Why did you not take a larger quantity?
A. Because I did not take a larger quantity with me.

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Q. *What quantity did you take?*

A. *Perhaps an ounce.*

Q. Do you suggest that for an experiment properly conducted it is not sufficient?

A. It would have been a sufficient quantity if there had been an appreciable quantity of arsenic in it.

Q. *The point is, was there arsenic in it?*

A. *I could not say.*

Q. My point is whether in your opinion this quantity was or was not sufficient?

A. *An ounce would be quite sufficient.*

Sir Charles Russell: So I should have thought.

Q. You were making the experiments with some object?

A. Yes.

Q. Were you satisfied that they were properly conducted at the time?

A. *I was satisfied there was no deposit on the copper.* I had no books at the time to refer to. It was only from recollection I worked.

Sir Charles Russell dealt with this struggle in this way:—

Q. Is there anything in the way of working the experiment in books which you have *since* consulted that you did not do?

A. No.

Q. You are quite satisfied when you came to refresh your memory that there was nothing omitted by you?

A. Yes.

Q. Well, but is not the test well known to treat all matters connected with the intestines on the same principle?

A. *I don't know.*

Q. So far as your reading tells you is there any difference with the way of testing?

A. I cannot tell.

Q. So far as you know is there?

A. No.

Q. You have still apparently some doubt on your mind. So far as the urine was concerned you followed the right course?

A. Yes, so far as the deposit is concerned. *I do not know whether the copper was absolutely pure,* but I have a very strong impression that it was pure.

Here was another struggle, but this was the most unfortunate struggle of them all, and Sir Charles Russell showed himself quite equal to the occasion:—

Q. *But see, Dr. Humphreys,* in proportion as there is any doubt about the *purity* of the instruments you were using, would there be a greater certainty of getting a deposit?

A. I should like you to say that again.

Q. You say you are not sure that the instruments were perfectly pure

A. I was told they were pure, but I am not sure.

Q. But if they were not pure, would you not get a greater deposit?

A. If they were not pure, it depends upon what the impurity was.

Q. Well, I will just put it to you again. What impurity do you suggest may have existed?

A. In the copper, arsenic.

Q. Then, if there were impurities in the form of arsenic in copper, would it not make it the more certain that you would get a deposit on the copper?

A. If there was that impurity.

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Q. Did you find any?
A. I found none.
Q. Where did you get your hydrochloric acid?
A. From the chemist's.
Q. Some good chemist, I suppose?
A. Yes.

Dr. Paul.

Sir Charles Russell having fixed Dr. Humphreys to that, asked Professor Paul, who, unlike Dr. Humphreys, is a man of undoubted skill and experience in analytical science—

Q. Taking Dr. Humphreys's account of what he did—that he put the urine over the flame of a lamp for two minutes until he brought it to the boiling point—I want to ask you whether, if a serious, or fatal, dose had been administered within I should say a fortnight of that time, *there must have been* a deposit shown upon the copper?
A. *There must*, in my judgment.
Q. I mean taking the test Dr. Humphreys described that he imperfectly made?
A. Yes.

My readers will, from the above evidence, be able to gauge the value of Dr. Humphreys's opinion as one of the witnesses for the prosecution on the questions of symptoms and cause of death! and whether he formed his opinions upon "James Maybrick's symptoms" or "Michael Maybrick's suggestions," which came into operation on this Thursday, 9th of May!

Dr. Humphreys.

The rest of Dr. Humphreys' evidence as to this Thursday was—

"On Thursday *evening* Mr. Maybrick was in a state of *restlessness*, complaining of his *tongue* and his *throat* and his *bowels*, but his *strength* was maintained pretty well, and he could take nutriment to swallow. *I did not apprehend any serious results on the Thursday. I felt his pulse, but did not think that there was anything characteristic about it, though it was certainly* quicker than at the beginning of the week. I made some temperature tests on Saturday, the 4th, and Sunday, the 5th, previous, nearly a week before death. The first day, Saturday, the 4th, he was *slightly feverish*, the temperature being 89·4. After that day it was normal, the average normal temperature being taken at 98·4."

Q. When did you hear first that the letter was intercepted by the woman Yapp?
A. I think it was on the Thursday.
Q. At what time?
A. I don't know.
Q. Morning or evening?
A. I cannot tell you.

Well, this is very odd! One would have thought from the importance which has been attached to this letter, and to the phrase, "sick unto death," that Dr. Humphreys, if he did really hear about that letter on that Thursday would have remembered all about it. I am quite sure anybody else would.

[NOTE.—*What makes this still more odd is that Dr. Carter said* (see preceding note) :—

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"It was not until it was read at the Coroner's Inquest that I was *aware of the existence*, much less of the contents, of the intercepted letter. It is impossible to say what the effect of a knowledge of these contents, and especially of the references to a sickness unto death, to delirium, and to the reported opinion of the doctors, might have been on my mind, had I possessed it."

If Dr. Humphreys really did hear about that letter on Thursday, it is odd that he did not tell anything about it to Dr. Carter, especially as that extraordinary conversation with Michael Maybrick took place on that day.—A. W. Mc. D.]

Dr. Carter.

Dr. Carter's evidence at the Trial was :—

"I was again called in on Thursday, the 9th, at half-past four o'clock in the afternoon, when Nurse Callery, Dr. Humphreys, and Michael Maybrick were there. Up to this time the symptoms were such as I could find consistent with an irritant poison *or* dyspepsia, but *now* I found in addition that *tenesmus* of a very distressing character had set in. He complained that he had been *up and down all night*, and that the *bowels were quite loose*. I endeavoured to make an examination of the lower bowel, but it caused the patient such extreme pain that I was unable to do it. The appearance of *tenesmus puzzled me somewhat, for it was unusual on the hypothesis that I had formed as to the cause of his illness*. I then imagined that *inflammation* had extended to the larger bowels, and that *added to the seriousness* of the matter. *This indicated a very serious state of things*. I had a conversation with Mr. Michael Maybrick, and afterwards had a consultation with Dr. Humphreys. I found that the latter had ordered *bismuth*, and it was agreed between us to give *double doses* if the illness continued, and if necessary to add *brandy diluted*. The nature of the bismuth was astringent, and it was a stomachic sedative. On the Thursday I made an analysis of some of Neave's Food which was given me, but found nothing wrong with it."

And it will be observed that Dr. Carter and Dr. Humphreys are at loggerheads as to the condition of the patient on this day.

Dr. Humphreys said :—

"I did not apprehend any serious results on the Thursday. I felt his pulse, but did not think there was anything characteristic about it."

And Dr. Carter said :—

"I then imagined that inflammation had extended to the larger bowels, and that added to the seriousness of the matter. This indicated a very serious state of things."

My readers will also remember, and it has a strong bearing upon some expressions in Mrs. Maybrick's letter to Brierley, which Alice Yapp alleged she had intercepted on *Wednesday*, that on this Thursday evening Mrs. Maybrick said to Elizabeth Humphreys, the cook :—

"She said that *inflammation had set in*, and I replied that it was very dangerous."

My readers will recollect that Dr. Carter said that he never saw Mrs. Maybrick, except on one occasion, namely, Tuesday, the

7th of May, and did not know then who she was, and never spoke to her except on that occasion, and then it was only as to giving general directions as to food. Now, where did Mrs. Maybrick learn that on that Thursday *inflammation* had set in? It is all very odd! Humphreys and Carter.

Nurse Callery's evidence at the Trial was:— Nurse Callery

"I attended at Battlecrease House on Thursday, the 9th of May, about half-past eleven o'clock in the morning. I had never seen the patient before. I remained on duty till eleven o'clock that night. During the time I was there my patient *was very much exhausted*, and complained of a *burning sensation in his throat* and pains in the *abdomen*. He was not sick during that time."

Cross-examined:—

Q. You record all matters on the notes which seem of importance each day as to the state of your patient.
A. Yes.
Q. Just tell us, please, when did you make these notes?
A. While I was on duty.
Q. But I don't find any record of the *straining* or of *diarrhœa*? Diarrhœa.
A. There was straining, but I did not make a record of it.
Q. *I do not find any record of any diarrhœa?*
A. *No, sir, there was none.*
Q. *Either on Thursday*, Friday, or Saturday?
A. I was only there Thursday and Friday.

I have now set out all the evidence as to Symptoms and Treatment on this Thursday, the 9th of May.

May 10th, Friday.—Nurse Gore, having relieved Nurse Callery at eleven o'clock on Thursday night, remained in charge until eleven o'clock on Friday morning. During her watch an incident occurred which I have dealt specially with—see Valentine's Meat Juice Incident. On being relieved at eleven o'clock in the morning Nurse Gore called the attention of Michael Maybrick to a half-bottle of brandy which she suspected that Mrs. Maybrick had tampered with, but which, on analysis, was found harmless. Nurse Gore did not at that time say anything to Michael about the bottle of Valentine's Meat Juice, which is very odd; but having gone down into Liverpool, she, on her return to the house, about two o'clock in the afternoon, told Michael for the first time about this bottle of Valentine's Meat Juice, which is also very odd. However, I have dealt at length with this incident separately, and only refer to it now for the purpose of keeping up the sequence of events in this now combined condition of symptoms and suspicions under which the patient was being treated by Dr. Humphreys and Dr. Carter. 10th May.

Nurse Gore's evidence at the Inquest was:— Nurse Gore.

"I returned on duty at eleven o'clock on the night of Thursday, the 9th. I went into the sick room to Mr. Maybrick. Mrs. Maybrick was in the room.

Humphreys and Carter.

Shortly afterwards Nurse Callery left on my relieving her. I obtained a bottle of Valentine's Meat Juice soon after eleven o'clock. I got it from the landing. It appeared to be unopened, and perfectly new. I had seen the bottle before. Mr. Edwin Maybrick gave it to me the night before. I have no reason to believe it had been tampered with. *I gave Mr. Maybrick two teaspoonsful in water.* I tasted it to see it was all right. I put the bottle on the small table standing in the bedroom window. Mrs. Maybrick was present. *She said Mr. Maybrick had had Valentine's Meat Juice before, but it always made him sick. I did not observe any ill effects follow* the food I gave him. After midnight I gave him *champagne*, and he went to sleep for three-quarters of an hour. I gave Mr. Maybrick *brandy* on the Friday morning when I was nursing him."

Nurse Callery.

Nurse Callery said at the Inquest:—

"On Friday, the 10th, I was on duty from 11 a.m. till 4-30 p.m. On Friday morning Nurse Gore said something to me. My attention was called by her to a bottle of Valentine's Meat Juice which was on *a table* in Mr. Maybrick's room. I took a sample of the meat juice out of the bottle and put it in an ordinary medicine bottle, which I got from Nurse Gore. I threw the sample away on Nurse Gore's coming from the Nurses' Home on the Friday at two o'clock p.m. The patient was *very much exhausted*, and complained of his *throat* and *pains in the abdomen.*

The Foreman: What was your motive in taking the sample?

A. I was asked to do it by Nurse Gore.

Q. Having taken it, why did you throw it away?

A. Because Nurse Gore had been to the Lady Superintendent, and she had requested Nurse Gore not to take a sample.

Nurse Wilson.

Nurse Wilson's evidence at the Inquest was:—

"I was in charge of the deceased from a quarter to five p.m. till eleven p.m. on Friday, the 10th. I gave him all the medicine on Friday while I was there."

The nurses gave no evidence as to any such symptoms as sickness or diarrhœa.

Michael Maybrick.

Michael Maybrick's evidence at the Inquest was:—

Q. Your brother was in bed?

A. Oh, yes! He was unable to get out of bed.

Q. Nurse Callery was taken away?

A. Yes; and the same afternoon Nurse Wilson was brought in her place.

Q. At this time did your brother grow rapidly worse?

A. Oh! very rapidly; worse and worse.

Q. Did he become *delirious?*

A. *Very delirious, at about six o'clock on Friday.*

Dr. Humphreys.

Dr. Humphreys' evidence at the Inquest was:—

"I visited the patient on Friday, the 10th of May."

Q. While there, did Dr. Carter come in?

A. Yes.

Q. *How did you find the patient?*

A. *Not so well.*

Q. *Had he become delirious?*

A. *I don't remember.* During my three visits on that day I spent *an hour and a half each time.*

Humphreys and Carter.

Q. *About three or four days before death you had suspicions that he was suffring from irritant poisoning. Did you prescribe any antidote?*
A. *No.*

Dr. Carter.

Dr. Carter's evidence at the Inquest was :—

Q. Then, on Friday, the 10th, did you again see your patient?
A. I saw him at the corresponding time, half-past four o'clock, p.m. Again with Dr. Humphreys.
Q. *How did you find your patient?*
A. *He thought himself better.* We thought him worse.
Q. Will you describe how he was?
A. *His pulse was quicker*—quicker than before. The *right hand was perfectly white and bloodless in the lower half.* He complained of *sleeplessness*, and begged to have something given him to sleep.

Now, there are one or two things which I wish my readers to notice in this evidence at the Inquest, and bear in mind; one is that Dr. Humphreys was there three times that day for an hour and a half each time. Nothing was said to him about the Valentine's Meat Juice, until Dr. Carter arrived at 4-30 p.m. Nurse Callery was on duty up till five o'clock. Then Nurse Wilson took charge at a quarter to five o'clock. When Dr. Carter came, the patient thought himself better. They thought him worse. Michael Maybrick said that from that time he grew—

"Oh! very rapidly worse and worse."

Delirious.

Q. Did he become *delirious?*
A. *Very delirious at about 6 o'clock on Friday.*

But Dr. Humphreys said that he did not remember his being *delirious*, and even though he had suspected his patient was suffering from irritant poison for three or four days before death, he had not prescribed any antidote. Of course, Dr. Humphreys did not then know what the irritant poison was, but the fact remains he did not prescribe any antidote.

At the Magisterial Inquiry, *Michael Maybrick* said :—

"My brother grew worse every hour *from 2 o'clock* on Friday, 10th May. He *became very delirious at about 6 o'clock.*"

Nurse Callery said :—

"He was very much exhausted, and had pains in his throat and abdomen."

Dr. Carter said :—

"On Friday, the 10th, Mr. Maybrick *felt better* and said he would be all right if he had *sleep.* We thought him *considerably worse*, and it was on this occasion that a bottle of Valentine's Meat Juice was given to me. *The fingers of his right hand up to his knuckles were perfectly bloodless, showing there was a great want of circulation.*"

Michael Maybrick

At the Trial Michael Maybrick said :—

"I was at Battlecrease on the 10th, and had one conversation with Nurse Gore, in consequence of which I went to my brother's bedroom and took away

Humphreys and Carter.

a half-bottle of brandy. I subsequently took some Valentine's Meat Extract from the washstand in the bedroom. The bottle of extract was little more than half full; I gave it to Dr. Carter, who came about a quarter-past four. It was in the same condition as when he received it. After having a cigar I went back to the bedroom, and found Mrs. Maybrick doing what I thought was changing the medicine."

By the Judge: She was putting the label on the bottle. [Michael Maybrick continuing, said:] The bottle I found was similar to that produced. I said, "Florrie, how dare you tamper with the medicine?" She explained that in consequence of there being so much sediment in the smaller bottle it was impossible to dissolve it, and she was putting it into the larger bottle so that the medicine might be more easily shaken up. I was much annoyed and dissatisfied, and said I would at once order the prescription to be remade, which I did at once. My brother grew gradually worse from that time, and at six o'clock he was highly delirious. He was conscious when not delirious. Dr. Carter came about half-past four that afternoon, when I gave him a little bottle of Valentine.

Q. I wish to ask you at what time was it that you observed, or thought you observed, Mrs. Maybrick changing the medicines from smaller into larger bottles?

A. I think it was, as nearly as I could tell, about two o'clock; it might have been a little after or a little before.

Q. That was on the Friday?

A. Yes.

Q. You did not know the ingredients of that medicine?

A. No.

Q. In consequence of what you saw her doing you spoke to her very sharply?

A. Yes, I did.

Q. What did you do with the bottle?

A. I took it away and gave it to Dr. Humphreys.

Q. Mrs. Maybrick, you think, was in the act of putting a label on?

A. She was putting it on.

Q. At that time Nurse Callery was in the room?

A. Yes.

Q. And you are aware the contents of this were analysed?

A. Yes.

Q. And you are aware there was no arsenic in it?

A. Yes.

Q. So far as you are aware there was no concealment about the matter.

A. None whatever.

Edwin Maybrick.

Edwin Maybrick said:—

"On Friday morning my brother seemed a little better, but on returning to him some time after I found him worse, and he continued to grow worse. That night I had some conversation with my brother Michael about the bottle of Valentine's Meat Juice."

Dr. Humphreys.

Dr. Humphreys said:—

"I did not try the thermometer during Friday. On Friday morning I found the deceased *weaker*, *pulse more rapid*, and *bowels* not moved so frequently as during the previous day. There was hardly any *sickness*, but I thought the patient *rather worse*, especially as he seemed *more depressed about his condition*."

I must stop here to remind my readers that Dr. Carter's evidence at the Magisterial Inquiry was :—

"On Friday, 10th, Mr. Maybrick *felt better*, and said he would be all right if he had sleep. We thought him considerably worse."

So that these two doctors do not seem to be at one even as to that.

Dr. Humphreys further said at the Trial :—

"In the afternoon the patient's *pulse* was still more rapid, and *one of his hands was becoming white*. Generally, he was *weaker* and decidedly worse. The *tongue* was simply filthy, and Mr. Maybrick was very *restless*, having had no sleep. I ordered some *sulphonal* for his *restlessness*, the dose being 30 grains in the form of a powder, *nitro-glycerine for his hand*, and he was to continue *cocaine* ordered the previous day for his *throat*, and also some *phosphoric acid* for his *mouth*."

I must stop here for a moment, as these two doctors are again not at one. At the Magisterial Inquiry, Dr. Carter said that on Thursday :—

"Dr. Humphreys told me something of what had been done, and we agreed that he should have a solution of *cocaine*."
Q. What was that for—for the *tenesmus*?
A. Yes.

So these two doctors were not at one as to what they prescribed the cocaine for! and, moreover, there was no tenesmus or even diarrhœa on this Friday, so Dr. Humphreys ordered it to be continued for the *throat*.

Dr. Humphreys further said :—

"On Friday afternoon I considered the deceased's condition to be serious, and we [the doctors] had reason to suppose that the *suggestion made to us the day before* might have some grounds."

The suggestion was, of course, Michael Maybrick's suggestion, which, so far as Dr. Humphreys at all events is concerned, was not made only the day before, but was made on Wednesday night the 8th, at the lengthened interview which Michael Maybrick had with him.

Q. Was Dr. Carter given a bottle of Valentine's Meat Juice to examine?
A. Yes, on Friday. I visited my patient again on Friday night.
His Lordship : What time was your consultation with Dr. Carter?
A. In the afternoon, about half-past four o'clock.
Q. When you visited your patient again, at about 10-30 p.m., how did you find him?
A. *Very ill*. His *pulse was very bad, almost uncountable*. He was getting weaker. I told Mr. Michael Maybrick his state, *so that a solicitor might be seen as to his affairs*. At that time I apprehended danger.

Humphreys and Carter.

So that at half-past ten o'clock p.m. James Maybrick was not *delirious* and was fit to see a solicitor. My readers will remember this. Dr. Humphreys said he did not remember his being delirious on this Friday, although he had paid him three visits, each of an hour and a half!

Q. Had you any difficulty in administering?
A. On that day? Yes.
Q. What had you been administering?
A. *Nutritive suppository.*
Q. Did you do anything on the 10th?
A. I don't remember.

. . . . . .

Q. Would you, leaving out what was said to you about *suspicion*, have given a certificate of death if he had died on Thursday or Friday?
A. It is difficult to separate from one's mind the information which had been *suggested*. I could not say what I would have thought if it had not been *suggested* to me.

Dr. Carter.

Dr. Carter's evidence at the Trial was :—

"On Friday I went again and saw the patient in the presence of Dr. Humphreys. We also saw Mr. Michael Maybrick, who gave me a bottle of Valentine's Meat Juice. We were not satisfied with the condition of the patient. *He said he was better*, but we found the pulse was *much quicker*, and noticed a *whiteness on the right hand*. He said he had had a *restless night* again, and asked if we would give him something to make him sleep. *The diarrhœa* had not been entirely subdued, but it was *not so intense*. *My impression is that the nurses told me that it was not so bad.*"

Diarrhœa.

This is odd! because Nurse Callery was the nurse in charge, and not only was there no record of diarrhœa in the nurse's notes, but Nurse Callery said "there was none." It appears to me that Dr. Carter, when he told the Jury that the diarrhœa was not so "intense," and that his impression was that the nurses told him so, must have an odd way of getting his impressions!

"The *tenesmus*, although not entirely absent, was better. On the three days I saw him—Tuesday, Thursday, and Friday—*his mind was always clear. It was never in the slightest degree delirious.* I am not sure whether I said anything about what the deceased was suffering from on Tuesday, the 6th, to Mrs. Maybrick. *He was at that time suffering from acute dyspepsia.* Dr. Humphreys would have communicated *their joint opinion* to her."

I suppose that Dr. Carter, being a consulting physician, wanted the Jury to understand that it was Dr. Humphreys' place to communicate the joint opinion; besides, Dr. Carter did not know that the young lady he saw on that Tuesday was Mrs. Maybrick, and never saw her afterwards, and even then "certainly never spoke to her, except as to giving, with Dr. Humphreys, general directions as to food." However, notwithstanding his opinion that the fatal dose was given on Friday 3rd, we have at last got that near *the joint opinion* on Tuesday, the 6th, that James Maybrick was suffering from *acute dyspepsia.*

"On Friday, the 10th, we suggested that the deceased should have, in addition to his food, some *nutrient suppository* if it could be retained, and a dose of *sulphonal* to give him sleep, and *one nitro-glycerine tablet*, the smallest dose in the pharmacopœia. These were the only medicines we prescribed on that day with the exception of *brandy*. He was taking *brandy* and *champagne*. With regard to the *suppository* he *could not take food by his throat. He had vomited once* and they wanted to supplement this nutrition." Humphrey and Carter.

Now, why on this Friday, after all these *suggestions* of Michael Maybrick's, and in view of their then opinion, did not these doctors examine that vomit? It is all very odd.

"The *sulphonal* was a simple hypnotic—a sleep producer—having no effects whatever. It is a white, tasteless, odourless powder. I gave deceased the sulphonal in tablet form. Neither of the medicines given could have any ill effects upon the deceased."

At the Trial, Nurse Callery said:— Nurse Callery.

Q. I do not find any record of diarrhœa in the nurses' notes? Diarrhœa.
A. *No, sir, there was none.*
Q. *Either on the Thursday, or the Friday, or the Saturday?*
A. I was only there on the *Thursday* and *Friday.*
Q. I find notes here relating to Saturday?
A. Those are Nurse Wilson's notes.
Q. The *notes say on Friday he was delirious?*
A. Those are Nurse Wilson's notes.
Q. Mrs. Maybrick was a good deal in the room on occasions when she was out of the room, did Mr. Maybrick make any observations to you about it?
A. *Yes, he asked for her when she went out of the room.*
Q. Then you sent for her, I suppose?
A. Yes.
Q. Did she appear to be very anxious about him?
A. Yes, very much so.
Q. I should like to know did she speak to her husband? Did you hear any conversation?
A. I can't recollect anything she said.
Q. No, I am not meaning to say that you recollect what the conversation was, but they did converse?
A. Yes.
Q. Used to sit on the bed beside him or how?
A. Sometimes on the bed and sometimes beside him.
Q. You, of course, did not concern yourself in their conversation, but did they speak in a low tone?
A. Yes, a great deal.
His Lordship: Do you mean they conversed a great deal or in a low tone?
A. They spoke a great deal in a low tone. The patient was very weak. His voice was not strong.
Q. Did you apply anything to his mouth?
A. Yes, glycerine and borax. Glycerine.
Q. Where did you get the glycerine?
A. It was on the table in the sick room.
Q. What was it in?
A. I believe it was in a saucer mixed.
Q. How did you apply it?
A. It was to clean the tongue.

Humphreys and Carter.

Q. How often?
A. Frequently.

Nurse Wilson.

Nurse Wilson said :—

"I was in charge from 4 o'clock or 5 o'clock in the afternoon till 11 o'clock on Friday night, and on Saturday from 11 o'clock till 5 p.m., I found in the sick room Nurse Callery and Mrs. Maybrick. During the time I was in the room I administered all the medicines and food to the patient. During the evening, *about 6 oclock*, the patient said to Mrs. Maybrick, 'Oh, Bunny, Bunny, how could you do it. I did not think it of you.' He said that three times."

Delirious.

Q. *At that time, how did he appear with regard to the state of his mind?*
A. *He appeared quite conscious.*
Q. Did Mrs. Maybrick answer?
A. Yes; she said, "You silly old darling, don't trouble your head about things."
Q. And did she follow that up with any remark?
A. Yes; she said he could not tell what was the matter with him, or what had brought his illness on.
Q. Upon that day was *he taking any food by the mouth?*
A. Yes.
Q. At what time of day?
A. Until half-past seven o'clock.

Now, Dr. Carter said that at 4-30 p.m. he had ordered nutritive suppository, because he *could not take food by his throat.* I suppose that was another of his "impressions," like the diarrhœa!

Q. At the time he made that observation, "Oh, Bunny, Bunny!" *were you aware* that there was any trouble about a man named Brierley?
A. No, I was not.

So that Nurse Wilson had not heard up till then of the letter Alice Yapp alleges she intercepted on Wednesday!

Q. What time was it he made that observation?
A. *About six o'clock.*
Q. Was it a fact that he had on that day delirious turns?
A. After then he was *delirious.*
Q. That same evening?
A. Yes, sir.

Michael Maybrick at the Trial said :—

"From that time, two o'clock, my brother grew gradually worse, and at six o'clock he was highly *delirious.*"

Elisabeth Humphreys.

Elizabeth Humphreys, the cook, said at the Trial :—

Q. Upon the Friday did you see Mrs. Maybrick in the kitchen?
A. Yes.
Q. About what time?
A. As far as I can remember it was Friday night about nine o'clock.
Q. Did you give her something she asked for?
A. Yes.

Humphreys and Carter.

Q. What was it?

A. She asked me for a sandwich and a glass of milk. She had a sandwich or two in the kitchen, and as she was leaving asked me to get her some soup and a sandwich ready for the night.

Q. Did she say anything else?

A. She thanked me for my kindness to her.

Q. Anything else?

A. And she kissed me.

Q. Was there any further conversation?

A. I asked her how the master was, and she said he was sinking very fast.

Q. Do you remember anything about hope?

A. Oh, yes! She said there was no hope, and seemed very much distressed.

11th May.

May 11th, Saturday, at 8-30 p.m. on this day, James Maybrick died.

Edwin Maybrick

At the Inquest Michael Maybrick said:—

"Mrs. Maybrick was lying on the bed in the dressing-room off the bedroom. She was lying there the whole of Saturday. She was carried out of it in the evening after my brother's death."

Edwin Maybrick said:—

"On Saturday, May 11th, deceased was still worse, and Mrs. Maybrick apparently distressed about his condition. At *5 a.m.* on Saturday morning she said to me, "Is not this sad?" I said, "What?" and Mrs. Maybrick replied, "To see Jim suffer so and not be able to relieve him." Nothing else was said. During the Saturday I went to town for two hours, about one o'clock, after which I remained in the house until deceased expired about 8-30 p.m."

Dr. Humphreys said:—

Q. On Saturday, the 11th, did you again visit your patient?

A. Yes.

Q. How did you find him?

A. Worse.

Q. Could he swallow?

A. No. This was at half-past eight o'clock in the morning.

Q. Were you long with him?

A. I was with him four times on that day; he was then in a dangerous condition, and he died that evening.

Q. When was the earliest period that you anticipated fatal results?

A. I cannot tell you the earliest period, but I *made up my mind on Friday night, and I did not till then expect him to die.*

Dr. Carter

Dr. Carter's evidence was:—

Q. Did you see your patient again on Saturday, the 11th?

A. On Saturday, morning at half-past twelve o'clock.

Q. What was his condition then?

A. Very much worse. He was unable to understand anything that we said to him, or to put out his tongue except with great difficulty. At last we got him to understand to do that.

Q. Was Dr. Humphreys again present?

A. He was always present.

Humphreys and Carter.

Q. And did you see him again later in the day?
A. At eight o'clock.
Q. You were with him, I believe, when he died?
A. We were in the house, not actually in the bedroom. We saw he was dying and we retired.

Edwin Maybrick.

At the Magisterial Inquiry Edwin Maybrick said:—

"My brother died at 8-40 p.m. on the 11th of May. Mrs. Maybrick, from the forenoon of that day until my brother died, had a kind of fainting fit, and lay on the bed."
Q. What was the matter with her?
A. I do not know exactly what to say.
Q. Did she actually faint?
A. No.
Q. She retired to her bedroom and lay down on the bed?
A. Yes.
Mr. Pickford: It is hardly fair to Mrs. Maybrick to write in the depositions that she simply went to her room and lay down.
A. As far as I am aware she did not exactly faint. We spoke to her several times, but she did not reply. She seemed to be in a semi-conscious state, or else partly asleep. I do not know which.
Mr Swift: You are drawing a conclusion from her not speaking?
A. Yes.

Mysterious Swoon.

Now, instead of Edwin Maybrick "drawing a conclusion," I want to know why Dr. Humphreys, Dr. Carter, or neither of the professional nurses was asked about this. There is a great deal of mystery about this and it ought to be cleared up. Mrs. Maybrick from the forenoon of this Saturday fell into a speechless swoon, and in which she continued the whole of that day, in which condition she was carried from that dressing-room into the spare room, and in which condition she remained throughout the whole of the night and the greater part of the next day, and which left her ill in bed in the prostrate condition in which Superintendent Bryning found her on Tuesday, the 14th, when he went to her, lying thus ill in bed, and said:—

"Mrs. Maybrick, you are in custody on suspicion of causing the death of your husband,"

and in which condition she remained on May 18th, when Colonel Bidwell opened a magisterial court in her bedroom, *and without hearing any evidence* in her presence ordered her removal to Walton Jail, and in which condition she remained too ill to be allowed, by the prison doctor, to attend at the Inquest on the 28th of May—even to be "identified by a witness."

Now, I want to know why Edwin Maybrick only was asked,

"What was the matter with her?"

Why was not Dr. Carter, or Dr. Humphreys, or one of the profes-

sional nurses—Gore and Wilson, in whose charge she was put—asked the question, Humphreys and Carter.

"What was the matter with her?"

I ask it now, and I point out to my readers that it was a very suspicious circumstance—it was while she was lying in that speechless swoon that the "suspecting five" found the stores of arsenic which they put their hands on so readily *after death*, but which no one had seen in the house *before death*, and which nobody could say where it had all come from.

The very way in which Edwin Maybrick gave his evidence forces forward this question,

"WAS MRS. MAYBRICK DRUGGED?"

This question ought to be answered, and answered too, not by Edwin Maybrick, but by Dr. Humphreys, Dr. Carter, Nurse Gore, and Nurse Wilson. Edwin Maybrick has not the professional knowledge to enable him "to draw conclusions" from her not answering when he spoke to her. Let us have some explanation given of this "suspicious circumstance!" There was no other evidence given as to this Saturday's symptoms or treatment by either the doctors or the nurses.

At the Trial *Michael Maybrick* said:—

"About three o'clock a.m., on Saturday, I found that my brother was very ill indeed, and that day he became gradually and rapidly worse. He died about 8-40 p.m., that evening."

Mrs. Briggs said:—

"I was in the house on Saturday morning, between four and five o'clock a.m., and remained in the house until he died."

Edwin Maybrick said:—

"At three o'clock a.m., on Saturday morning, I was awakened in consequence of my brother having become rapidly worse."

Elizabeth Humphreys, the cook, said:—

Q. Now, upon the Saturday morning, I believe, Mrs. Maybrick cam to your bedroom door?
A. Yes; about three o'clock in the morning.
Q. What did she request you to do?
A. She wanted one of us to go and fetch Mrs. Briggs.
Q. What reason did she give?
A. She said that the master was dying. I believe Cadwallader and Brierley were sent.

It will be remembered that it was at this same hour, this three o'clock on Saturday morning, that the conversation occurred as to which Edwin gave evidence at the Inquest. Mrs. Maybrick

Humphreys and Carter.

was apparently distressed about his condition at three a.m. on Saturday morning. She said to Edwin, "Is not this sad?" He said, "What?" and Mrs. Maybrick replied, "To see him suffer so, and not be able to relieve him." Nothing else was said. Well, all this is very natural, except Edwin Maybrick's question "What?" It appears from both Michael and Edwin that at three o'clock James Maybrick was taken *alarmingly ill*, and, except in the excitement over the Maybrick Mystery, this conversation with Mrs. Maybrick is just what everybody would think natural.

At the Trial Dr. Humphreys said :—

Q. On Saturday, the 11th, what time did you see him in the morning?
A. About 8-30 a.m.
Q. How was he then?
A. He was then dying.
Q. Did you see Dr. Carter on that day?
A. Yes.
Q. Did you have a consultation with him?
A. Yes.
Q. What time was that?
A. Between 12 and 1 o'clock.
Q. What conclusion did you arrive at as to the possibility of doing anything?
A. There was no possibility of doing anything.
Q. At that time did you consider the case hopeless?
A. Certainly.
Q. Was the man dying?
A. Yes.
Q. You determined as there was nothing more to be done to take no steps?
A. I think it would have been useless.
Q. I suppose from that time he gradually sank?
A. Yes.
Q. You were present at his death?
A. Yes.
Q. It took place at 8-30 p.m., on Saturday, the 11th?
A. Yes.
Q. *Except the examination you told us about, you made no examination of the excreta afterwards?*
A. *No.*

Now, this is an extraordinary thing. Not only had Dr. Humphreys had his mind for some days past impregnated by Michael Maybrick with *suggestions* and *suspicions* that Mrs. Maybrick was poisoning her husband with fly-papers, but he had come to the conclusion, some days before, as he now for the first time says, that the symptoms were those of some irritant poison, most probably arsenic, and were such as to lead him to the conclusion that there was some ground for Michael's suggestions. But on this Saturday, at half-past twelve o'clock, Dr. Carter had reported to him that he had found a "metallic deposit" upon his test of the suspected Valentine's Meat Juice, and yet Dr. Humphreys made no examination of the excreta! And

this is not all. Mrs. Maybrick was lying in a speechless swoon, about which Dr. Humphreys had not told us anything, and all these suspecting people assembled round that sick room up till 8-30 in the evening, and not one of them made any search for even the fly-papers. The whole story is absolutely incredible!

Humphreys and Carter.

Dr. Carter said at the Trial :— Dr. Carter.

"On Saturday the patient was weaker, he having been *delirious the previous night*, and he had a difficulty even in fully protruding his tongue. It was difficult to make him understand what was said to him, and he could not retain the *suppositories*. It was evident, in my opinion, that the deceased could not live. *Nothing was done in regard to the discovery made by the test, but I said that if the matter turned out as I feared, it would* be taken out of the doctors' hands entirely. I was not present when Mr. Maybrick died, but I was in the house at the time. *After I left* the house I took to Mr. Davies the bottle of Valentine's Meat Juice."

Now, why did not Dr. Carter also take to Mr. Davies some of the excreta? On Thursday, the 9th, Dr. Humphreys had tested the *fæces* and *urine*, and had found nothing. Dr. Carter was a party to that examination, and was present when Dr. Humphreys made it. Dr. Humphreys struggled in his evidence with the fact that he had found none, by saying he did not pretend to have any skill in analysing. Dr. Carter was present when he made the experiment, and Dr. Carter in no part of the case professed ignorance about anything.

Dr. Carter said at the Trial :—

Q. Now, I am curious to ask you this, Dr. Carter—did you make any test of the water?

A. No, I did not. I could not do more than I did. Dr. Humphreys took the water.

Q. Did he tell you he had done it?

A. He did it in my presence.

This concludes the whole of the evidence given during these proceedings as to the symptoms and suggestions, and as to the treatment these two doctors adopted, and my medical readers will be able to estimate the amount of medical skill exhibited. I confess I am myself unable to form any estimate at all—unless it be that they could not fit the symptoms in with the suggestions, and had formed no real diagnosis of the case from beginning to end, and could not see, as Mrs. Briggs, Michael Maybrick, Nurse Gore, and Mrs. Maybrick could see, that the patient was "dangerously ill," "in serious peril," "sick unto death," until Dr. Humphreys on Friday night, the 10th, and Dr. Carter on Saturday at half past twelve noon, came to see how ill he really was.

There is one other part of this evidence which I must quote, and that is Dr. Humphreys' evidence as to his knowledge about the drugs he was administering to this poor man.

Q. Now, I want to ask you about the following things given to this man: *Cascara*—is it an aperient?

A. It is.

Q. *Nitrohydrochloric acid*—is it a stomach tonic?

A. *I don't know.*

Q. A tonic.

A. Well it is given for *such a variety of things I should not like to say* it was a stomach tonic.

Q. Now, *nux vomica*—what is that?

A. Strychnine and brucine enter into it.

Q. What is their object?

A. They are the active principles of the drug.

Q. Yes, yes! But are they tonics?

A. Not in the ordinary sense of the term.

Q. What are they administered for?

A. *They are administered sometimes to improve the general health.*

Q. What are they? What is *brucine?*

A. *I don't know what it is used for.*

Q. What is *nux vomica* used for?

A. It is administered for *chronic indigestion.*

Q. Old stomach derangement?

A. Yes.

Q. In *Plummers' Pills* antimony and mercury are found in the form of calomel?

A. Yes.

Q. Prussic acid you have already described?

A. I gave it to allay his *palpitation* on the *first* occasion, and *vomiting* on the *second.*

Q. That was addressed to the action of the heart?

A. Yes.

Q. *Bromide of potassium*—that is a sedative?

A. Yes.

Q. And depressing?

A. *I do not know that it is depressing.*

Q. *Tincture of hyocyamus*—that is a sedative also?

A. Yes.

Q. Depressing?

A. *No, I do not think it is depressing.*

Q. Is not *bromide of ammonia* sometimes substituted for *bromide of potassium* because the latter is so depressing?

A. If it is given for a long time. I think I should choose it between the two if I were going to give it in large doses for a long time.

Q. *Antipyrine*—is that given in cases of fever?

A. Yes.

Q. Is it depressing?

A. No, I do not think so, not in the ordinary doses in which it is administered.

Q. Is it lowering?

A. Not in the ordinary doses.

Q. *Jaborandi*—has that a powerful action on the nerves and heart?

A. Not in the small doses in which it is prescribed in the Pharmacopœia.

Q. Is it in the Pharmacopœia?

A. Yes, *tincture of jaborandi.*

Q. You gave him *chlorine* to wash his mouth, *morphia* to assuage the pain, and *bismuth and opium suppository?*

A. Yes, all these were given.

Q. *Nitroglycerine*—that was externally used?

A. No, it was administered internally.

Humphreys and Carter.

Q. And *sulphonal*?
A. Yes.
Q. That is not in the Pharmacopœia?
A. No.
Q. Have you used it before?
A. Many times.
Q. And, in addition, *cocaine*?
A. Yes.
Q. Is that in the Pharmacopœia?
A. *I do not know.*
Q. Are these two, nitroglycerine and cocaine, depressing or not?
A. Not in the doses which were given.

Well, whatever my medical readers can make out about the cause of death out of the symptoms, suggestions, and treatment, I think that the result of reading the Dr. Humphreys and Dr. Carter incident of this case will leave the minds of my general readers in a state of considerable doubt as to what the cause of death was, and lead them to think that if they had had to perform the duties of Jurymen in the Maybrick Case, they could not have formed any judgment from the *symptoms* that the cause of death was arsenic, and might have thought it was the *treatment*.

CONFLICT OF MEDICAL OPINION.

Conflict of medical opinion.

I do not know whether Mr. Davies, the analyst, is qualified to give an opinion upon the point—I should myself have hardly thought so, but as the Coroner did, I quote his evidence;—

"The Coroner said they were interested to know whether death from arsenical poisoning could take place and still a fatal dose not be found in the body?"

A. If a person dies from the *symptoms of arsenical poisoning*, and arsenic is found in various parts, I should say he died from the effects of it.

The value of this medical opinion of Mr. Davies, the analyst, is somewhat qualified by the fact that the Coroner did not ask him, and he did not say, what *the symptoms of arsenical poisoning* are. However, I give Mr. Davies's opinion for what it is worth, as I wish to make this treatise exhaustive, and now I will set out the opinions of the medical men themselves at the Trial.

Dr. Hopper, who had attended the deceased from 1881 to the end of 1888, was not asked for, and gave no opinion.

Dr. Fuller, who had attended the deceased on the 15th and 20th of April, said:— Dr. Fuller.

"I saw no indication in Mr. James Maybrick of his having been a person who had been in the habit of taking arsenic."

Q. Are there *symptoms* which accompany the habitual use of arsenic?
A. *Yes, but they are not present in this case.* I had no reason to suppose he was taking arsenic.

Conflict of medical opinion.

Q. Would a *swelling about the eyelids, redness of the eyelids*, and *intolerance of light* be *the symptoms* which you would say would be produced by an undue use of arsenic?

A. No, I do not think there would be *intolerance of light.*

Q. But there would be *swelling about the eyelids, redness at the eyes*, and a *tenderness over the stomach, especially on pressure?*

A. Yes.

Q. As far as there are any distinctive indications would you say those were the *most prominent?*

A. Yes.

I will call the attention of my readers to the fact that in James Maybrick's case neither of these symptoms exhibited themselves—there was an entire absence of all of them.

Q. What was the cause of the *numbness of the limbs* of which he complained?

A. Functional disturbance of the nerves, I suppose.

Q. Will any disturbance of the nerves produce *numbness?*

A. Certain disturbances will.

Q. Such as disturbances produced by dyspeptic derangements generally?

A. It is almost impossible to say what is the cause of constant disturbances in the nerves.

My readers will remember that James Maybrick had suffered from this symptom, *numbness*, for years.

Dr. Humphreys.

Dr. Humphreys, who had attended James Maybrick for the first time throughout his illness, and was present at the *post mortem* and *exhumation.*

Q. From what you saw during his life, and from the post-mortem examination, what do you say was the cause of death?

A. *Arsenic—arsenical poisoning.*

Dr. Humphreys subsequently corrected himself.

"Just now you asked me what I thought was the cause of death, and I said *arsenical poisoning.* I said that, knowing as I do that an examination had been made of the *contents of the stomach*, but asking me what conclusion I came to after having made the post mortem, and recollecting the *symptoms he had died of*, I could *only say* that it was due to *some irritant poison—most probably arsenic, but I should not like to swear that it was.*"

Well, I do not understand Dr. Humphreys' explanation, because the "contents of the stomach" had been analysed, and certainly no arsenic had been found either in the stomach or in the contents of the stomach. My readers will remember that Dr. Humphreys said at the Inquest and Magisterial Inquiry that he had had no experience either of attending a person who had died from arsenical poisoning or of attending any post-mortem examination of a person who had died from arsenic, and, in fact, had no experience of either arsenic or any irritant poison.

Dr. Humphreys, cross-examined, said :— Conflict of medical opinion.

Q. When you gave the answer in the first instance, you were taking into account not merely the *symptoms*, but the statements of the results indicated to you by others?

A. *I was when he asked me the question.*

Q. Excluding those results, were you when you were examined before, and are you now able to say more than that the *symptoms* during life and the *appearances* after death were *consistent with some irritant poison?*

His Lordship : The word "consistent" is so very misleading. Do you mean to say any two things which exist together must always be "consistent." There is a great difference between one thing indicating another with a greater or less degree of strength, and one thing "consistent" with another. When you say that there are *symptoms* "consistent" with death in consequence of *some irritant poison*, do you mean to say that there are *symptoms* "consistent" in the strict sense of the word, or that they *indicate* or *point* to death by irritant poison? "Consistent with."

Well, I do not know what any of my readers can make out of this learned philological disquisition with which Mr. Justice Stephen interrupted Sir Charles Russell's crucial question! I, myself, should have been considerably bothered, if I had had an academical question of that kind put upon my papers when I was passing my examination at Cambridge, and I have been and am very considerably puzzled with it since. In fact, I am not quite sure even now whether Mr. Justice Stephen, who, no doubt, would make an excellent examiner at a philogical examination, knew what he meant himself. I see in Johnson's Dictionary that consistent means "Not contradictory; not opposed," and that he quotes—

> On their own axis as the planets run,
> Yet make at once their circle round the sun;
> So two *consistent* motions act the soul,
> And one regards itself, and one the whole.—*Pope.*

What Dr. Humphreys had said at the Inquest and the Magisterial Inquiry was that the *symptoms* during life, and the *appearances* after death, were "consistent" with some irritant poison; and Sir Charles Russell was asking him whether either *then* or *now* he was able to say any more, when Mr. Justice Stephen interrupted with this philological disquisition, and Dr. Humphreys, who was, I should think, very much bothered at finding himself called upon in the witness-box to undergo a *vivâ voce* examination on philology, replied :—

"I mean, simply, that they point to death by irritant poison."

Thereupon Sir Charles Russell proceeded :—

Q. Did you, in fact, use these words when first asked—"Having regard to the *post-mortem appearances*, the *symptoms* during life, and the *symptoms* described by the witnesses, what is your opinion?" Was your answer this—"They are 'consistent' with arsenical poisoning."

A. It was.

Conflict of medical opinion.

Q. And that is what you mean now to convey?

A. They are "consistent" taking the *symptoms collectively.*

His Lordship: I must ask you not to use the word "consistent," but I will understand by it—indicate—point out.

Sir Charles Russell: Did you go on to explain that when you used the word *irritant poison* you meant *any* poison, as for instance *impure food*, would cause these *symptoms.*

A. I mean, taking it *apart from the analysis* and the corrected statement, *and said, I did not know what the post-mortem appearance of an irritant would have been.* But I say an *irritant food* causing certain *symptoms* during life would *probably* produce a similar *appearance* after death.

Q. You have never assisted at a post-mortem examination of any person supposed to have died from arsenical poison?

A. No.

Q. I think I might also ask you whether you have ever attended at a post-mortem where it was alleged that death had been due to arsenical poisoning?

A. No.

Q. Up to the time that the communication was made to you, which, to use your own language, *suggested* that there might be some foundation for supposing foul play, did it in any way occur to you that there were *symptoms* present during life of arsenical poisoning? When was the first idea *suggested* to you?

A. I think on Thursday the 9th or Wednesday night the 8th May, when Mr. Michael Maybrick came to me.

Q. *From a communication made to you by Mr. Michael Maybrick?*

A. Yes. That there was something unsatisfactory.

Q. You were in attendance upon the late Mr. James Maybrick continuously from the 28th April until he died on the 11th of May?

A. I was.

Q. Therefore you must know something of the history of the case and the *symptoms* manifested during its progress?

A. Yes, sir.

Dr. Carter.

Dr. Carter, who had attended the patient on the 7th, 9th, 10th, and 11th May, and who had been present at the *post-mortem* examination and the exhumation :—

Q. Will you tell us, shortly, which of these *symptoms* was the cause of death?

A. Mainly the stomach inflammation as indicating that which caused death?

Q. Tell us in more popular language what the condition of the stomach was?

A. *It was acute inflammation.*

Q. Was there anything else outside that to account for death?

A. *Simply the inflammation.* There were parts of the small intestines and of the rectum also inflamed.

Q. Now, taking these *appearances* altogether, to what do you attribute death?

A. *To arsenical poisoning.*

Q. Now, taking the *post-mortem symptoms* altogether, *could they point to anything except death by irritant poisoning?*

A. I think not.

Q. *Were they "consistent" with death by acute dyspepsia?*

A. No.

Q. I mean the *appearances* of the post-mortem.

A. There was no disease of any other organs except the stomach to account for the *congestion;* but this was more than *congestion,* it was *acute*

inflammation. It was *acute inflammation of the mucous membrane of the stomach and the bowels,* which led me to believe that there was arsenic. Conflict of medical opinion.

Q. Now, confining yourself to the point when you first saw the patient, 7th of May, when you thought it might be a case of *acute dyspepsia*—because poison was the last thing you would think of—*what was the chief appearance of the body?*

A. *Acute inflammation of the stomach.*

Well! I need not remind my readers that Dr. Carter never thought of "*acute inflammation of the stomach*" then; or, if he had—as he says it was *acute inflammation of the stomach* which led him to believe there was arsenic—one would have thought he would have diagnosed the case on that Tuesday, the 7th! Dr. Carter goes on to explain:—

"Dyspepsia *might* leave no morbid appearance whatever in the stomach. From the *post-mortem* examination I came to the conclusion that there had been *an irritant of some kind.* And *now,* since I have heard the evidence given by Mr. Davies, *I have no doubt whatever that arsenical poisoning was the cause of death.* I judge that the fatal dose must have been given on Friday, 3rd of May, but a dose might have been given after that. When he was so violently ill on the Friday, I thought it would be the effects of the fatal dose, *but there must have been subsequent doses.*"

Q. Tell me what are the *symptoms of arsenical poisoning?* Symptoms

A. With many variations, they are *vomiting,* followed by diarrhœa, *prostration, tenesmus, failure of the heart,* and *death.* There are, however, many variations to this; sometimes *coma* comes early, as if the *nervous system alone* were affected by a narcotic poison.

Q. Supposing a dose *less than a fatal dose* were given—an overdose—and produced serious illness, what would be the result?

A. *Inflammation of the stomach,* or *diarrhœa, vomiting* persistently, *with great pain,* and less commonly in large doses, *irritation of the eyes.* That occurs in medicinal doses.

Q. Then this gastritis of the stomach you found must have been due to an external substance?

A. Yes.

Q. *Now, taking the whole history of the case, your conclusion is—*

A. *I can have no doubt about it.*

Q. *Excuse me, you can't have any doubt about what, doctor?*

A. *That it was arsenic poisoning.* [Sensation.]

! ! ! ! ! ! ! !

Dr. Carter said at the Inquest and Magisterial Inquiry that he came to the same conclusion as Dr. Humphreys, that the cause of death was congestion of the stomach, caused by some irritant poison, most probably arsenic, "but in a more positive manner." Well, I do not think that any of my readers will feel any doubt about Dr. Carter's "positive manner." At all events, the reporters say it caused sensation, and his impetuosity quite staggered Mr. Addison.

In cross-examination Dr. Carter said:—

Q. You were asked to give your opinion as to when the fatal dose was administered, and you fixed Friday, 3rd of May. *I want to know why you fixed that day?*

A. *I had it on my mind.*

Conflict of medical opinion.

Q. What was the great illness that you refer to on Friday, 3rd of May?

A. I *was told* that he was *unable to retain anything on his stomach for several days.*

Sir Charles Russell: I am afraid that does not fit in with the other evidence, but it does not matter at present.

Q. You say gastritis or gastro-enteritis you don't know as what you call an idiopathic disease?

A. I do.

Q. That means and amounts to this: There must be some external cause to set it going—to set it up. There must be *some irritant poison?*

A. Quite so.

Q. It may be a metallic poison, *or* an irritant poison—*impure food*—or any such other cause?

A. Just so.

Q. Therefore, if it came from *impure food*, or *arsenic*, would you expect the *symptoms* to be the same?

A. *They might be the same.*

Q. Would you expect them to be the same?

A. I should not.

Q. Then it follows that if there were *any cause*, apart from the improper use of poisonous drugs which would set up gastritis, the symptoms would be accounted for?

A. Except generally the last *symptom* of all, which is less common—*death.*

Sir Charles Russell: I shouldn't have called that a symptom, doctor. (Laughter.)

Gastritis.

Well, Dr. Carter, who was assisted by Mr. Justice Stephen, explained concerning gastritis set up by other causes than arsenic.

"I don't think it would be fatal. Nor would the *symptoms* be so intense."

Well, I think my medical readers will be considerably surprised to hear that gastritis would not be fatal, unless set up by arsenic. Because, I dare say, there are not many of them who have not given hundreds of certificates of death for gastritis which was not set up by arsenic—I must leave that to my medical readers—and as to the question of the *symptoms* of gastritis when set up by arsenic being more intense than when set up by impure food, or any other cause, Dr. Carter's experience is this:—

Q. Have you, yourself, ever assisted at the post-mortem examination of a person as to whom it was alleged death had been caused by arsenic?

A. Not of arsenic?

Q. Have you ever before attended a patient as to whom it was alleged that death had resulted from arsenic?

A. Not death.

The only difference between Dr. Humphreys and Dr. Carter, the two doctors who attended this poor man, in their experience of arsenical poisoning, is that Dr. Carter expressed his opinions in "a more positive manner" than Dr. Humphreys.

Dr. Carter, however, also said in re-examination—

Q. Then what you call the fatal dose was on the 3rd? Can you tell us whether it was repeated or not?

A. *I don't know. I can't tell you.*

Well, I do not think my readers will be much surprised at that, and looking at the evidence, I do not think that even Dr. Carter could speak in a "positive manner" about that. Conflict of medical opinion.

Q. You have told us about the illness being set up by impure food. Have you ever known people being made ill by impure food?
A. Many a time.

Well! I think my readers will think Dr. Carter's "positive manner" had made Mr. Addison facetious—or satirical—when he asked these questions, especially when they read the next, which followed it.

Q. Tell me how do you differentiate the symptoms from these? Symptoms.
A. Generally, they are *less intense*. From the *symptoms alone*, or the *absence of symptoms*, I never would decide. You must take the whole *history*—the *symptoms, if possible*, and the *appearance, if possible*, before you venture to give a decision.
Q. *And that decision you have given* as the result of all these matters?
A. *That is so.* Upon all these matters together.

Well! I do not know what was crossing Mr. Addison's mind, but I think I can understand what is crossing the minds of every single reader of this treatise, and that in writing down the value of Dr. Carter's evidence a very familiar quotation will occur to each and all.

Dr. Barron, who was present at the post-mortem examination and exhumation:— Dr. Barron.

"I did not attend the late Mr. Maybrick during his lifetime, but I assisted at the post-mortem examination of the body on the 13th of May. I came to the conclusion that death was due *to acute inflammation of the stomach, probably some irritant poison.*

Cross-examined:—

Q. Do you agree with Dr. Carter that *impure food* would do that—in other words that the gastritis, or gastro-enteritis, might be set up in that way?
A. *The latter might.*
Q. Have you had much to do with post-mortem examinations?
A. I have been pathologist to the Royal Infirmary four years. I do not know how many post mortems I have been present at. I should think about 500.
Q. In cases where it is said to be from causes of the kind [impure food] *is it possible to differentiate the symptoms from arsenical poisoning?*
A. *I should not be able to do so myself.*

That concludes the opinions of the doctors who had seen the body. And upon it alone I think there is not one of my readers (whatever a Liverpool Common Jury in the midst of the excitement over the Maybrick Mystery and under the influence of Mr. Justice Stephen's oratory may have done) who would have liked to hang a cat upon such medical opinion. The only one who really had any

Conflict of medical opinion.

experience about arsenic is Dr. Barron, and he at all events would not even suggest or allow that the cause of death had anything to do with arsenic.

Then followed the opinion of doctors who had not seen the body, but who from their experience in cases of arsenical poisoning would be of assistance to the Jury, as to their opinion upon the *symptoms* before death and the *appearances* after death, but as to this class of opinion Mr. Justice Stephen told the Jury there was "a subtle partisanship."

Dr. Stevenson.

Dr. Stevenson, Lecturer on Forensic Medicine and Chemistry at Guy's Hospital :—

Q. And have you known a great many cases of poisoning by arsenic in every shape—both purposed poisoning and accidental poisoning?
A. Yes. I act officially for the Home Office and Treasury in such cases.
Q. *Have you followed the character of the entire evidence given?*
A. *I have*, except the latter portion of Nurse Wilson's evidence.
Q. *Have you formed an opinion upon it?*
A. *I have.*

I must stop here, in justice to Dr. Stevenson, to point out that he was called as a witness for the prosecution, and when he was asked this question he had only heard the evidence of the prosecution. Perhaps if he had been asked this question after hearing the evidence for the defence he would have formed another opinion upon "the evidence given."

Q. *What do you say, doctor?*
A. *I have no doubt that this man died from the effects of arsenic.* [Sensation.]
Q. Tell us the general grounds for that opinion?
A. His main *symptoms* were those *attributable to an irritant poisoning.*

Well! I wonder why Mr. Justice Stephen did not enter into a philological discussion with Dr. Stevenson as to what the words "attributable to" meant, in the same way as he did with Dr. Humphreys as to what the words "consistent with" meant. However, he did not, and we must be content with Dr. Stevenson's phraseology that the grounds of his opinion are that "the main symptoms," as disclosed in the evidence of the prosecution, are *attributable to an* irritant poison.

Dr. Stevenson goes on to explain :—

"I think *all his symptoms might be attributed to that.* The symptoms of irritant poisoning *more closely resemble* those of arsenic than of any other irritant of which I know."

Q. I will ask you generally before we get to the post-mortem *appearances* what are the usual *symptoms* of arsenic poisoning?

A. The general *symptoms* which usually appear *within half-an-hour* of taking some article of food or medicine are :—*Nausea*, with a sinking sensation of the stomach.—*Vomiting*, and unlike vomiting produced by any ordinary

article of food or drink that disagrees, the vomiting affords no relief *as a rule*, and often comes on again. Then there is *most commonly pain in the stomach.*—*Diarrhœa.*—After a time the region of the stomach becomes tender *under pressure.*—The patient becomes *restless.*—Often bathed in *perspiration.*—The *throat* is complained of.—There is *pain in the throat extending down to the stomach.*—The *tongue* is very foul in appearance and furred. There is not a bad smell as in the ordinary dyspeptic tongue.—The patient gets a *rapid and feeble pulse.*—*A thirst.*—There is great *straining at stool.*—*Vomits* and evacuations are frequently *stained with blood*, and the patient dies. Conflict of medical opinion. Symptoms of arsenical poisoning.

Q. Tell me, doctor, the symptoms you describe, are they *infallible symptoms?* Do you always find them all together, or are they anomalous symptoms, one coming sometimes, and sometimes others?

A. *Very anomalous*, and I should add there are symptoms—*later symptoms*—but those are the ordinary characteristics of acute arsenical poisoning.

Well, if this be so, I must refer my readers to what the actual *symptoms* during life in the case of James Maybrick were, [See Dr. Humphreys and Dr. Carter incident] because there is a remarkable difference in them from those which Dr. Stevenson says are "the ordinary characteristics of arsenical poisoning." The only one among them which is really identical is the foul tongue without foul odour, and this James Maybrick said he had suffered from for years!

Q. Do you attach any importance to the *numbness*? Perhaps you have forgotten that on the 27th of April, when he came downstairs, he complained of numbness of the legs?

A. *Numbness* is a symptom of arsenical poisoning *which* usually *comes on not at the beginning, but late on, when the patient is recovering, if he does recover.* Numbness.

Q. When you find *numbness* early in an illness, would you infer other things?

A. It would not have excited suspicion in my mind of arsenical poisoning.

Well! Mr. Addison made a bad shot in asking Dr. Stevenson that question. Dr. Stevenson had heard all the evidence of James Maybrick's symptoms offered on the part of the prosecution, and had, of course, heard a good deal about this "numbness" coming on on the morning of the 27th of April, before he started for the Wirral Races, &c., and he had not forgotten it. He may have smiled at Dr. Humphreys's and Dr. Carter's regarding it as a "symptom;" and if under the influence of that "subtle partisanship" which Mr. Justice Stephen ascribes—insolently ascribes—to men standing at the very highest position of the medical profession he may have smiled and kept silent. But I prefer to regard Dr. Stevenson as acting under the influence of higher feelings. He was asked to recount the symptoms "attributable to" arsenical poisoning, and he did not mention "numbness," for the simple reason that he knew it was not a symptom which appeared unless "later on, when the patient is recovering, if he does recover." Subtle partisanship.

Conflict of medical opinion.

Q. Now, doctor, I pass away from the life *symptoms* to the post-mortem *appearances*. As regards them, will you, as generally as possible, give us the result you draw from the post-mortem *appearances*?

A. The post-mortem *appearances* were those of *irritant poisoning*, and were those *more of arsenic* than any other irritant poison.

Q. Why, doctor?

Post-mortem appearances.

A. The *bright redness of the stomach*—the result of inflammation and the presence of inflammation there—and in the *first part of the intestines* more than in the other parts—the *rosy blush*, as it is termed, of the intestines and the *vascularity* is generally better seen in arsenic poisoning than from any other kind of irritant poisoning. It is only fair to say that after seeing a *post-mortem* examination of that kind I should have withheld an absolute opinion *until I had known the result of the analysis*.

Q. Now the question has been raised as to whether *improper food* is an irritant?

A. I hardly know what you mean by an *improper food*.

Q. It is said that mutton, without being actually tainted, or grouse, or sausages, might affect him. I am speaking of injurious food.

A. I have seen many cases, and I have examined the organs of many persons who have died from that kind of food, and independently of the fact that the *symptoms during life differ* from the *post-mortem appearances*, gastro-enteritis is *lower down in the bowels* in the case of injurious food. I am not speaking of game, birds which may have been affected by particular plants, but of tinned food—canned meats which have undergone some changes—and there you will find the *appearances* more generally diffused with slight inflammation—or may be severe—of the bowels or ulceration. The brunt of the *post-mortem appearances* are *not in the stomach* so much as *in the bowels*.

Q. Taking all the *symptoms* and *appearances* before death and after, what do you say was the cause of death?

A. *No doubt it was due to arsenical poisoning.*

And in cross-examination—

Q. Since the Lawson case you were nominated analyst by the Home Office, and your services can be called in requisition?

A. Yes.

Q. And it is in that sense you attend here officially?

A. Yes.

Q. You withheld your opinion as to the cause of death *until you heard the result of the analysis*?

A. Yes; and quite properly.

Q. Are you using the word *irritant poison* to the extent Dr. Carter used it?

A. If you like I will apply the term *irritant poison* to all metallic irritants, *and to such articles of food as contain irritants.*

Q. If gastro-enteritis is set up from whatever cause, are the *symptoms* substantially similar whether the cause is arsenical poisoning or by any other means?

A. *Substantially similar, but there are differences.*

Q. Will you indicate *any one symptom* which you say is distinctly an arsenical poisoning symptom and which is not to be found in gastro-enteritis caused by other means than arsenic?

A. *No. I would form no opinion from one single symptom, either present or absent.*

Q. What do you mean by that answer "No"? You cannot point to any distinct symptom of arsenical poisoning differentiating it from gastro-enteritis however caused?

A. *There is no distinctive diagnostic symptom of arsenical poisoning. The diagnostic thing is finding the arsenic.*

Q. You have said there is no *distinctive symptom*, but there are *differences*. What do you mean by that? Conflict of medical opinion

A. Well, the *symptoms produced by irritant food, as a rule, do not come on so quickly after taking it as after taking arsenic.*

Q. Now when do you say in your experience the illness would come on after *taking food*?

A. Generally a few hours afterwards—it might be *two, three, or four hours*, when the food is pretty well digested—*whereas in arsenic it comes on speedily.*

Q. *How long?*

A. *In half an hour*—that is a common time—it may be less or more.

Dr. Tidy.

Dr. Tidy's evidence was—

"I am examiner of forensic medicine at the London Hospital."

Q. And you are, the same as Dr. Stevenson, employed as an analyst by the Home Office?

A. Yes.

Q. Have you had a large experience in cases of poisoning?

A. A very large experience since the year 1862.

Q. How many post mortems have you assisted at?

A. It is difficult to say—something short of a thousand.

Q. Can you give some idea as regards the number of cases of *arsenical poisoning* which have come before you within a few years?

A. *I should say close upon forty.*

Q. Do those enable you to indicate *the recurring and distinctive indications* formed in cases of arsenical poisoning?

A. Yes, certainly.

Q. Will you just enumerate those which you lay most stress upon as being *distinctive?*

A. *Purging and vomiting in a very excessive degree. A burning pain in* Symptoms. *the abdomen*, but more marked in the pit of the stomach, which pain is considerably increased *by pressure.* That pain is usually associated with a pain in the *calves of the legs.* Then, after a certain interval, *suffusion of the eyes*—the eyes fill with tears. *Great irritability about the eyelids.* Frequent *intolerance of light.* There are three symptoms—such as *cramps, tenesmus, straining*, more or less present. But the *prominent symptoms* which I attach more importance to than anything else are those I have mentioned—the *sickness*; violent, incessant sickness, very often *of blood*, frequently mixed with bile—*diarrhœa—the pain in the stomach.* There are many others of course.

Q. Is it true in your experience that you may find one of these symptoms wanting in cases of arsenical poisoning?

A. I agree with Dr. Stevenson that the anomalies in arsenical poisoning are very great.

Q. We have heard that it is easy to detect?

A. Oh, yes, extremely simple.

Q. You have *vomiting*, excessive, and persistent *purging*—pain in the stomach—the eyes swollen, and you have not known a case where these four distinctive symptoms have not been strongly marked?

A. Personally, I have known cases where each of the four symptoms have been absent in the case, but I have never known a case in which all four symptoms were absent.

Q. First, as to the vomiting which you say often is a distinctive mark, have you followed the description of this poor man's sickness?

A. Yes, I have followed every detail so far as I could, and I have read all the depositions before the Coroner and the Magistrate.

Q. I will ask you, first, whether the account of the *vomiting* agrees with your description of excessive and persistent vomiting?

A. *Certainly not, it is not that kind of vomiting* that is described as taking place in a typical case of arsenical poisoning.

Conflict of medical opinion.

Q. Why?

A. Why, the vomiting is persistent, incessant, and violent. *The peculiarity* of the vomiting in arsenic cases is that *it does not relieve, but the patient as soon as he has vomited begins to vomit again* immediately.

Q. About *diarrhœa*, you noticed that in the account of the case the first mention of the *looseness of the bowels* was on the 9th of May?

A. Yes.

Q. If there had been an administration of harmful doses, or a succession of doses of arsenic beginning on the 27th or 28th, or any intermediate days before the 5th and 6th of May, in your judgment would you have expected to hear of diarrhœa long before that day?

Diarrhœa.

A. I should, most certainly, have expected it, and if it is absent the case is an exceptional one, but I admit the exception.

Q. You admit there may be an exception?

A. Yes. I admit there may be an exception; that is to say, a case of arsenical poisoning without diarrhœa. I wish to say further, that the term "looseness of the bowels" does not convey to me any idea of diarrhœa from arsenic poisoning.

Q. I should just like to ask you this, still upon the hypothesis, the supposition, of the administration of a harmful dose of arsenic, how soon after the administration would you, in the ordinary course, expect to see signs of its effects in the shape of sickness and vomiting?

A. That varies, necessarily, with a great many conditions, such as the quantity of food in the stomach, and such like. But, as a rule, the symptoms of arsenic come on, as Dr. Stevenson has said, in half an hour to an hour and a half. I think he stated it perfectly correctly, as far as my experience goes. But it may be delayed longer, for instance, if the stomach is full. If it was given, for instance, in some hard body, like a dumpling.

Q. How soon after the administration of a dose of arsenic should you expect diarrhœa purging?

A. That would probably occur in two hours.

Q. You agree with Dr. Stevenson then?

A. Perfectly. That is my own experience.

Q. You are aware, are you not, that there is no mention of pain in the stomach until on the eve of the death of this man?

A. That is so.

Toxicological curiosity.

Q. As a matter of fact, allowing exceptional cases—exceptional cases where pain in the stomach and abdomen are wanting—are excessively rare—far more than the question of vomiting and purging?

A. *I venture to call that a toxicological curiosity.*

Sir Charles Russell: You speak of the eyes, and said that you have never in your experience known a case in which there was an absence of this characteristic or distinctive symptom in a single case?

A. No; no case has ever come before me.

Q. But I must ask you about one thing. Tenesmus is properly rendered by the word—

A. Straining.

His Lordship: Is the absence of the symptoms of the eyes—is that sufficient to make the case exceptional in itself?

A. No, my Lord; I do not think so. The condition of the eyes does not occur so soon as the other three symptoms which I have mentioned. All four are the dominant symptoms—sickness, diarrhœa, particularly pain, and then the condition of the eyes, all the prominent symptoms not being present in this case.

Q. Then a subsidiary and less important one was the cramp in the calves of the legs?

A. Yes.

Q. In your judgment is tenesmus always present where there is diarrhœa? Conflict of medical opinion.

A. That is my opinion. It is an extremely common symptom.

Q. Could any one in any sense call it a distinctive symptom of arsenical poisoning? Tenesmus.

A. I don't think any one would place it as such. It is a common thing in summer diarrhœa.

Q. I want to ask you this general question: Taking the whole of the symptoms which have been before the post mortem and analysis, could any one, in your judgment, safely suggest to us arsenical poisoning?

A. I can only speak for myself in the case.

Q. *And you say undoubtedly that these are not the symptoms of arsenical poisoning, nor do they point to such?*

A. *Certainly not.*

Q. Now I come to the post-mortem appearances. You have actually assisted at some forty cases of supposed arsenical poisoning?

A. Yes.

Q. What are the features which you find distinctive of arsenical poisoning?

A. There are two important characteristics—post-mortem characteristics—of arsenical poisoning; the first is redness, more or less, over the entire stomach.

The Judge: Do you mean under the skin?

A. Yes, my lord. Internally I am speaking of. Call it sub-mucous if you like. And that redness is in my experience a very peculiar one in the case of arsenic, which, so far as my own observation is concerned, is never found in any other case of irritant poison. And that is a minute petechiæ over the surface of the redness.

Q. As regards the appearance of the stomach—that is, the description given of redness at the cardiac end of the stomach, the natural colour, and the red appearances at the pyloric end?

A. Conjoined with the duodenum and with such other parts I would say that these are perfectly consistent with death from gastro-enteritis.

Q. And not caused by arsenical poisoning at all?

A. Yes.

Q. Was your attention attracted during the description of the post mortem by Dr. Humphreys as to there being a greater redness in the posterior portions?

A. There is always a certain kind of lividities that occur at the posterior portions from the gravitation of blood. And these lividities become a brighter red from exposure. This is an important fact.

Q. The result of your view is that some of the symptoms found here are consistent—I think I may use the word here—with arsenical poisoning, but not distinctive of it?

A. That is so. Tenesmus and such are *consistent.*

Q. But as regards the symptoms?

A. There are the absence of three or four of the leading symptoms, and, if I had been called upon to advise, *I should have said it was undoubtedly not arsenical poisoning.*

Q. Is that view strengthened by the post mortem?

A. Very much strengthened. *The post mortem has very much strengthened my view.*

Q. One other question you have heard—the treatment of this man. I am not going to criticise it, but do you think it was of a stimulating or depressing character?

A. Of a depressing character, decidedly. Both antipyrine and jaborandi are of a depressing character.

Conflict of medical opinion.

Q. What conclusion have you come to as to the cause of death?

A. That it is due to gastro-enteritis of some kind or another, but that the symptoms of the post mortem *distinctly point away from arsenic.*

And in cross-examination by Mr. Addison—

Q. If Dr. Humphreys says that he was straining and vomiting all day and he gave him morphia to relieve him, would that alter your opinion?

A. No; it is only one of the symptoms, and was not associated, as arsenic invariably is, with diarrhœa.

Q. But excessive straining all night, would not you consider that diarrhœa?

A. No; certainly not.

Q. You don't suggest that this condition occurs in anything except dysentery and cholera?

A. Oh, yes, summer diarrhœa.

Q. Would you call it a symptom of summer diarrhœa to have a dry, burning throat, and, as it were, a hair-tickling all the time?

A. No, I do not say this is summer diarrhœa.

Q. What would you attribute intense thirst with a sense of a hair-tickling all the time to?

A. Something disagreeable in the stomach.

Q. It is due to poison of some kind?

A. Oh dear, no.

Q. Dr. Stevenson says that one of the reasons which made him suspect arsenic was these symptoms?

A. I quite admit that they are symptoms which occur in arsenical poisoning.

Q. An intense dry and glazed throat occur in arsenical poisoning. Do they occur in anything else?

A. Oh dear, yes, with any irritant.

Q. That is to say, that any irritant poison on the stomach would produce them?

A. Any irritant subject.

Q. An irritant substance in the stomach?

A. Quite so.

Q. You do not suggest what this irritant was?

A. No.

Q. You say it is not a typical case of arsenical poisoning?

A. I say that it is not only not typical, but absolutely points away from arsenic as the cause of death.

Q. Why?

A. First that the four prominent symptoms are absent.

Q. Wait a moment. One of those is vomiting, which you seem to have overlooked?

A. No, I have not overlooked it. I admit there is sickness.

Q. If you have illness brought on by lobster or sausage poisoning, would you expect it to recur again as in this case?

A. Yes, I would. But I wasn't speaking of lobster. I only instanced it as an illustration, as one substance.

Q. When you find that a person has undoubtedly died from some irritant poison—when you find the arsenic there, doesn't it lead you to suppose that there is arsenic?

A. No, it does not.

Dr. Macnamara.

Dr. Macnamara's evidence was—

"I have been President of the Royal College of Surgeons, and am its representative on the General Medical Council of the Kingdom."

Q. You have heard the description of the case by Dr. Humphreys when he first described the *sickness*, when the deceased could not retain anything on his stomach, and then he went on to describe it as "hawking" rather than "vomiting." Conflict of medical opinion.

A. That points rather to inflammation of the stomach and bowels than to arsenical poisoning.

Q. Now, some reference has been made *to dryness in the throat, and a sensation as if a hair was present.* Can you say whether these are distinctive *symptoms of arsenical poisoning?*

A. *In the vast number of cases I have had under treatment when administering arsenic, I never heard one of them complain of a hair in the throat,* but I have had repeatedly very many patients to whom arsenic has never been administered, but who continually complained of this sensation—a reflex action of the throat.

Q. *You don't attach any importance to the symptom?*

A. *Not any.*

Q. As regards *tenesmus,* I must ask you whether, where there is tenesmus, it follows or precedes violent purging?

A. *It follows in arsenical poisoning. It follows violent purging.*

Q. Now, you have spoken of *cramps* as a symptom. *Cramps* I understand you to say in *the calves* of the legs?

A. Yes.

Q. You have heard the description of Dr. Humphreys of *pains in the thighs?* Have you, in your experience, known of that in connection with cases of saturation or over saturation of arsenic?

A. *Never.*

Q. *Now, bringing your best judgment to bear on the matter.* You have been present at the whole of this trial, and heard the evidence—*In your opinion, was this a death from arsenical poisoning?*

A. *Certainly not.*

Cross-examined by Mr. Addison:—

"To the best of my judgment he died of gastro-enteritis *not connected with arsenical poisoning.*"

Q. You have spoken *of a wetting,* coupled with neglect of precautions and weak stomach and circulation, producing these consequences. Do you mean to say that *by getting wet,* this illness of gastro-enteritis—this acute inflammation—may be produced in the stomach and bowels.

A. That is the evidence I have given.

Q. These symptoms of vomiting, purging, cramp, intense thirst, are these symptoms of arsenic poisoning, and of other irritant poisoning?

A. Of other irritant poisoning.

Dr. Paul, Professor of Medical Jurisprudence at University College, Liverpool;— Dr. Paul.

Q. Now, as regards the *symptoms* in this case. What do you say are the prominent symptoms you would expect to find in a case of arsenical poisoning?

A. The prominent symptoms are those of an *intense irritant in the stomach,* producing *violent vomiting, incessant purging,* and cramp, and these are accompanied by *pain over the stomach* and *tenderness* in that position. Symptoms.

Q. Would you expect *tenesmus* or *straining* to precede or follow violent purging?

A. *It follows violent purging.*

Q. Now I think you have, as pathologist at the Royal Infirmary, assisted at a great many *post-mortem* examinations?

A. I have made a great many myself. *I have made and assisted at something like three thousand or four thousand.*

Conflict of medical opinion.

Q. You know the *symptoms* described in this case?

A. I do.

Q. Did they, or did they not, accord with your experience of what you have found in cases of gastro-enteritis?

A. They agree with cases of gastro-enteritis pure and simple.

Q. Now, was there anything in the *post-mortem appearances* which were wanting, or which you would have expected to find, if it had been a case of arsenical poisoning?

A. Yes; I should have expected to find *the stomach more affected*, and to show the characteristic of *petechiæ*.

Q. Now you are aware that petechiæ is *not mentioned* in the *post-mortem notes*?

A. I am.

Q. But you are aware that Dr. Humphreys, who had been looking up the subject, did mention the word petechiæ *in his evidence*?

A. Yes.

Q. Then he proceeded to describe petechiæ?

A. He did.

Petechiæ.

Q. *Was the description that he gave a description of petechiæ at all?*

A. *Certainly not; nothing like it.*

His Lordship: In your idea, *what would be a grain of arsenic?*

A. *A good pin's head.*

Sir Charles Russell: There were two sets of figures given. Taking Mr Davies's and Dr. Stevenson's set, either 88-1000ths or 92-1000ths, it would be *altogether a little less than one-tenth of a grain?*

A. I could imagine it within my own mind what it would be to cut up a grain in ten parts.

Q. It would be an extremely small dot?

A. Yes.

Q. In your judgment is the finding of that quantity of arsenic consistent with the case of a man who had taken arsenic medicinally, but who had left it off for some time?

A. *I should say quite consistent.*

Q. One who had left off taking it for a considerable time?

A. Yes.

The Judge: *You say a considerable time. What do you mean—several weeks, or months?*

A. *Several months.*

Q. In your judgment—forming the best judgment you can—*is this, or is this not, a case of arsenical poisoning?*

A. *I think this is a case of gastro-enteritis*, but there is no evidence *to show* either from the *symptoms* or from the post-mortem *appearances* that it was set up by arsenic.

Cross-examined:—

Petechiæ.

Q. In speaking of these *petechiæ* spots were you then speaking of those you had seen, from your own skill and knowledge?

A. I was.

Q. Is this *tenesmus* the result of the *purging*?

A. My experience of tenesmus is that it results from all kinds of severe purging. *Tenesmus is a far more common thing than* people seem to assume.

Q. In this case was it from *purging*?

A. I cannot say, positively. I have seen it myself occasionally in cases of irritation of the bladder.

Q. *The pains in the stomach*, in the same way. It was about Friday, the 10th May, that they were first complained of, and they were produced by the internal *inflammation of the stomach.* Conflict of medical opinion.

A. One has rather to judge between *one of the nurses* and *all the doctors*, and *all the doctors say there was no pain.* I go by the doctors. I have heard Dr. Humphreys and Dr. Carter.

Q. *One of the nurses* did speak of pain on Friday, the 10th of May, due to inflammation?

A. To that I paid little attention, *because the nurse would surely tell the doctor if there were severe pain.*

Q. Can you have any doubt that this inflamed stomach was present, and if so, that severe pain was there?

A. *Surely he would have complained of it.*

Q. Surely you can have no doubt that this condition of the stomach would produce pain?

A. *I do not think the state of the stomach was at all unusually severe.*

Q. What do you mean? Do you mean that he did not die from it?

A. I mean that he died from gastro-enteritis, which is the only disease described.

Q. But is not gastro-enteritis acute inflammation of the stomach and bowels?

A. *I do not consider this a severe case.*

Q. Do you not consider that death, as the last symptom, is a severe one?

A. *Some people are much more easily killed than others.*

Q. You cannot doubt that there was a severe inflammation?

A. *Coming back to the point, I feel morally certain that in this case there was no pain.*

So that the CONFLICT OF MEDICAL OPINION amounts to this, that both as regards the *symptoms* during life and the *appearances* after death, the balance of medical opinion is that James Maybrick did not die of arsenic at all—

Upon some points there is no conflict of medical opinion.

(1) That the one-tenth of a grain of arsenic found in the body was not sufficient to cause death.

(2) That the cause of death was gastro-enteritis; or, in other words, congestion or acute inflammation of the stomach and bowels.

(3) That gastro-enteritis may be set up by a vast variety of things—impure food, excessive alcohol, getting wet through, *or* arsenic.

As to this getting wet through, it is well to make special mention of this here. Mr. Addison fixed the 27th of April, the day of the Wirral Races, as the date of the first alleged taking of arsenic. On that morning, before James Maybrick went to his office and then to the Races, he took a *double dose* of some London medicine [see chapter Clay and Abraham], and was sick before starting. What that London medicine was—where it came from—and what became of it, nobody knew. The only evidence given concerning it is that of Mary Cadwallader, the parlour-maid, Wirral Races.

Conflict of medical opinion.

that it arrived by post the day before, viz., the 26th April, and that James Maybrick attributed his sickness in the morning of the 27th April, before starting for the Wirral Races, to a *double dose* of it. At the races, James Maybrick got wet through, and went to dine in his wet clothes at a friend's on the other side of the Mersey, and returned home late at night, after the servants went to bed, and next morning, April 28th, he was taken ill, and Dr. Humphreys was sent for.

There is no *conflict of medical opinion* that that wetting, thus neglected, on a disordered stomach, would have been likely to set up gastro-enteritis; nor is there any *conflict of medical opinion* that the cause of death was gastro-enteritis. The *conflict of medical opinion* was solely as to whether the gastro-enteritis or inflammation of the stomach was set up in James Maybrick's case by arsenic, or by anything else; and I think it is well to mention here what transpired at the Trial concerning this *wetting through*, which, among other things might—and there is no conflict of medical opinion upon that—have set up gastro-enteritis equally well as arsenic.

Dr. Paul.

Dr. Paul, in his evidence, said:—

Q. If, in the case of a man who had been complaining for a considerable number of years of what you would call chronic dyspepsia, who had been drugging himself or had been drugged, following the occurrences we heard of on the day of Wirral Races—take the case of such a man, would a slighter cause be sufficient on such a man to set up gastro-enteritis than in a man perfectly well?

A. Certainly; such a case in such a man would be more likely to be fatal.

Cross-examined by Mr. Addison:—

Q. You have heard that he was sick before going to the Wirral Races on the 27th April. *That is the first we hear of any sickness.* Sickness is one of the *symptoms* of irritant poison, I think.

A. Oh! certainly. Yes.

The Judge, interposing: Sir Charles, I wish to point out to you that you frequently assume that *he got wet on that occasion.* The evidence *that he got wet* is not so strong as it might be.

Sir Charles Russell: We have tried, my lord, to get more. I would remind you of Mr. Thompson's evidence. He describes the heavy rain there was, and how Mr. Maybrick was riding about in it. There is one of the witnesses for the prosecution who can speak further on the point.

The Judge: Do you want to examine him?

Sir Charles Russell: The cook, Humphreys, I think it is, who will speak about *his clothes being saturated with wet.*

Mr. Addison: *I do not wish to dispute the point.*

The Judge: *Then there is direct evidence of his having been wet.*

And in re-examination Dr. Paul said:—

Q. Let me remind you what Dr. Humphreys said about the Wirral races. He said that Mr. Maybrick had told him that he had taken a double dose of his medicine, and he repeated the same thing to Mr. Thomson. Would that be sufficient to account for his sickness before he went to the Wirral races?

A. Yes.

Q. Would it also probably have the effect of making his stomach more sensitive—increasing any normal derangement? Conflict of medical opinion.
A. It would.

I think that most of my readers will say that what occurred on this 27th of April, this day of the Wirral Races—this double dose of this unknown London medicine, his secret medicine, followed by sickness, and the wetting through at the races, which could set up gastro-enteritis (and there is no *conflict of medical opinion* as to such occurrences being likely to set up gastro-enteritis) is a much more easy way to account for the gastro-enteritis which was the cause of death than arsenic, which also might have set it up, but as to which there is such a strong *conflict of medical opinion*, especially when my readers weigh for themselves the respective values to which the opinion of the medical men themselves as individuals are entitled.

FOR ARSENIC.	AGAINST ARSENIC.
Dr. Humphreys.	Dr. Barron.
Dr. Carter.	Dr. Tidy.
Dr. Stevenson.	Dr. Macnamara.
	Dr. Paul.

A Liverpool Common Jury, after hearing from Mr. Justice Stephen that medical men give evidence under the influence of a "subtle partisanship," thought, I suppose, the best plan was to take the side of the weakest in this Battle of the Doctors!!! That really seems to me to be the only rational way of accounting for the verdict!! But I think my readers, medical and general, will think they would hardly like to return a verdict unfavourable to the prisoner in the face of Mr. Justice Stephens's exposition of the law—

"It is essential to this charge, and it must be the basis of a judgment unfavourable to the prisoner, that the deceased died of arsenic."

A question must at this stage arise in everybody's mind—
What is the value of medical evidence?

The course adopted by Mr. Justice Stephen, was to sum up very fully and impartially the evidence of these seven doctors, and to show the Jury very clearly the points in which they differed in opinion, and having done that, he said

"The doctors are divided in opinion, and of course I cannot answer the question whether there was arsenical poisoning or not."

Well! I do not know why, if he couldn't, he should have supposed the Liverpool Common Jury could—and as he had correctly stated the Law.

"It is essential to this charge that the man died of arsenic," it seems to me that Mr. Justice Stephen ought to have told the Jury that the case ought never to have been brought into Court, that in the face of such a conflict of medical opinion he could of course not say whether the man did die of arsenic, and that it was not any part of the duty of Juries to solve scientific puzzles of the kind—and Mr. Justice Stephen should have followed the example of Lord Justice Bowen, who had a short time previously stopped a case where a difference of medical opinion had manifested itself during a trial as to whether a wound was sufficiently large to cause death, and said he would not allow a Criminal Court to be used, nor a Jury to be exposed to the task of solving "surgical puzzles."

However, Mr. Justice Stephen did not adopt this course, but left the Jury to answer a question which he said he could not answer himself, and then proceeded to give them what assistance he could, and the following is an example of the sort of assistance he gave. Referring to the fact that only one-tenth of a grain of arsenic had been found in the body which was in itself wholly insufficient to cause death, he told the Jury that that was a matter with which they need not concern themselves, because arsenic is eliminated from the body through the evacuation, and told them the following anecdote:—

"I remember instances being mentioned in which experiments were performed for the purposes of a great trial. A dog was poisoned and was known to have taken a large number of grains of arsenic in the course of his life. It was known what was the quantity of arsenic the dog had taken when it died. I do not pretend to give figures, although I could give some, although it had many grains of arsenic they did not find a single grain; it was less than a grain. *That is the kind of thing which may be taken into consideration when you come to consider the small quantity of arsenic which was found in Mr. Maybrick's body.*"

Well now! I emphatically protest that Judges anecdotes are not "the kind of thing" which Juries are to take into their consideration in arriving at a verdict of Murder. No evidence whatever had been given during Mrs. Maybrick's Trial of any of these experiments on the elimination of arsenic from a dog, which Mr. Justice Stephen says he remembers were given in another great trial, and I will venture to say that in these days of more advanced scientific knowledge, no scientific witness would have risked his scientific reputation by going into the witness box, and saying that there was any analogy between the elimination of arsenic from a dog and from a man, and that if Mr. Justice Stephen had gone into the witness box, and told this dog story instead of telling it under the shelter of the immunity of the Bench, he would have found himself called upon to answer some questions as whether a dog's digestive powers do not act very much more rapidly than those of a man? Because, what-

ever may have been the amount of scientific ignorance which existed at the time of the great trial which Mr. Justice Stephen remembers! where experiments on the elimination of arsenic from a dog were made for the purposes of a great trial of a human being! No such scientific ignorance would find an exponent in these days in a witness box. Such exponents can only be found on the Bench! where they can tell their anecdotes of past reminiscences without any fear of being questioned about them! In these days—a horse whose digestive powers do act at the same rate as those of a man would be more likely to be made the subject of experiment than a dog, indeed, among other cases of experiments on horses is one mentioned to me by Mr. Paulton, M.R.C.V.S., where arsenic which had been administered to a horse was found in the liver on its death from other causes three months afterwards.

I emphatically protest that his dog story was not

"The kind of thing which may be taken into consideration when you come to consider the small quantity of arsenic which was found in Mr. Maybrick's body."

On the other hand I emphatically protest (it being "essential to this charge that the man died of arsenic") that such a conflict of medical opinion as to the cause of death as was exhibited at this Trial, was the "kind of thing to be taken into most serious consideration" by a Jury, and by every man and woman in this country.

FOR ARSENIC.	AGAINST ARSENIC.
Dr. Humphreys.	Dr. Barron.
Dr. Carter.	Professor Paul.
Dr. Stevenson.	Dr. Tidy.
	Dr. Macnamara.

I emphatically protest not only that this was "the kind of thing" which ought to be taken into consideration by the Jury, but the "kind of thing" which ought to have been taken into consideration by the Judge himself, and that he ought to have stopped any trial upon it. Where as in this case it was

"Essential to this charge that the man died of arsenic."

The way in which, however, Mr. Justice Stephen did take this "conflict of medical opinion" into consideration was this: he asked this Liverpool Common Jury, poor souls, "to decide when doctors disagree" in this way.

He first of all told them what the evidence of these seven medical men was, and no one could possibly have summed up that evidence more impartially or ably, and he pointed out how hopelessly they disagreed on almost every symptom and appearance, and then he said

"The doctors are divided in opinion, and of course I cannot answer the question whether there was arsenical poisoning or not.

* * * * * *

"I do not wish to say anything definite about it, but you have formed your own opinions about these gentlemen, and formed an opinion as to their impartiality, and as to their partisanship, and as to their knowledge and judgment generally."

* * * * * *

"Anyone who has had any experience must have learned that the mere fact of a man coming into court and swearing this, that, and the other thing, does not by any means give a reason for unqualified belief in what he says."

If this be really so, if medical men are really such a degraded class of witnesses, it will no doubt occur to all my readers, that it is unsafe and unfit for medical men to give evidence in any Court of Justice, where the Life and Liberty of a fellow-being is at stake.

[NOTE.—*I have always regarded the medical profession as an honorable profession, the members of which are frankly admitted to our utmost confidence in the most extreme moments of our life, and I was shocked when I read Mr. Justice Stephen's words. I could not bring myself to believe that they were in any way applicable to medical men. I could not bring myself to believe that doctors were such a degraded class of witnesses. I could not bring myself to believe, however strongly they might differ as among themselves on scientific questions, they would go into a witness box when a fellow being's life was at stake and give evidence, as to which "impartiality" or "partisanship" or swearing "this, that, and the other thing," could be possibly applicable words, but to my surprise I have received letters from numbers of medical men, in different parts of the country, (utterly indifferent to the maxim, "It's an ill bird that fouls its own nest"), saying that Mr. Justice Stephen correctly represented the value of medical evidence in criminal cases.*

A. W. Mc D.]

But however this may be, the Jury in the Maybrick case, thus instructed by the Judge, eliminated the medical evidence altogether, and came to the conclusion that the cause of death was arsenic by some other process. That process was that of turning this Trial from one for

MURDER BY ARSENIC

INTO ONE OF

MOTIVE FOR MURDER.

And then, of course, the medical evidence could be eliminated altogether, and Mr. Justice Stephen's dog story would be useful to them as an explanation of the fact that the quantity of arsenic (one-tenth of a grain!) found in the body was insufficient to cause death.

Mr. Justice Stephen had told the Grand Jury that:

"If a woman does carry on an adulterous intercourse with another man it certainly may supply every sort of motive . . . it certainly may quite supply—I won't go further—a very strong motive why she should wish to get rid of her husband."

And, indeed, not only had these "words of wisdom" of Mr. Justice Stephen been duly implanted in their minds before they took their places in the jury-box—but, as my readers will presently see (see Brierley incident), Mr. Justice Stephen, when summing up the whole case to them dinned into their ears—that if a woman committed adultery in March she was a very likely person to poison her husband in May with arsenic. Of course, as both adultery and arsenic begin with the letter A, there is an alphabetical connection between them! and this is the more remarkable in this case because there is a similar alphabetical connection between March and May! and, therefore, the process by which the jury arrived at "a judgment unfavourable to the prisoner" in this case where it was "essential to this charge that the man died of arsenic" may have been the connection—alphabetical or otherwise—which exists between adultery in March and arsenic in May. Some of my readers may be able to suggest some other process, but none more probable occurs to me. A person may have any and every sort of motive, and Mr. Justice Stephen says adultery may supply every sort of motive!! and even, moreover, a person may have not only motive, but every sort of desire even to do any and every sort of thing, and yet not do it—so it remained for the Jury to come to a conclusion on the evidence whether she had administered any arsenic to her husband.

There was no evidence of any act of administration of arsenic by Mrs. Maybrick, or by anybody else, except by Dr. Humphreys, who had prescribed some doses of it medicinally four days before death and who had then stopped it because it "burnt his throat," and which fact he had kept back from the Coroner's Jury until the Coroner dragged it out from him somewhat unwillingly, and therefore all the evidence upon which the jury had to come to their conclusion that she had administered any arsenic was evidence of certain "suspicious circumstances," and "suspicious circumstances only," and I shall now proceed to set out the whole of the evidence verbatim as given about each and all of the incidents which the Crown relied on as suspicious circumstances, and I shall be much surprised if after a calm consideration of them, free from the constrant of oratory of Counsel and Judge, there will be found a single one of my readers who will not come to the conclusion that each and all of these incidents point, as if it were "Writing on the Wall," to some Putters On of a charge of Murder against Mrs. Maybrick, and not to Mrs. Maybrick as a murderer at all.

But with regard to the felonious intent, Mr. Justice Stephens told the Grand Jury that if a woman committed adultery in March it might supply her with every motive for committing murder in May. Indeed, he led the Jury to understand from his own knowledge of human nature that unfaithful wives must be regarded with suspicion as being persons possessed of murderous proclivities, and prone to murder; and in dealing with this Maybrick case, as I said at the commencement of this treatise, we are dealing with "suspicious circumstances," and with "suspicious circumstances" only.

To my mind, however, those "suspicious circumstances" point to some *Putter-on of a charge against Mrs. Maybrick*, and not *to Mrs. Maybrick as a murderer at all.*

The following are the incidents upon which the Crown relied as "suspicious circumstances," in support of a charge against Mrs. Maybrick of murdering her husband:—

The following are the incidents:—

1. Fly-papers.
2. Valentine's Meat Juice.
3. Food at Office.
4. Clay & Abraham's Medicine Bottle.
5. Glycerine.
6. Dressing-gown, Apron, and Handkerchief.

and, as a Motive for Murder,

The Brierley Incident of Adultery.

Before considering them, I wish to ask my readers to do so in the spirit of one of Cicero's eloquent appeals on behalf of a client, which is applicable to-day to the circumstances surrounding Mrs. Maybrick.

"There are many who are known to have Ill Will to the client for whom I appear. There are many who are naturally addicted to Defamation and envious of any good to any man, and who may have contributed to spread Reports of this kind. For nothing is so swift as Scandal; nothing so easily sent abroad; nothing is received with more welcome; nothing diffuses itself so universally. I shall not desire, if any report to my client's disadvantage have any ground for it, you would overlook or extenuate it. But if there be anything advanced without a person who can say whence he had it, or which is attested by one who forgot who told him it, or who had it from one of so little consideration, that he did not think it worth his notice; all such Testimonies as these I know you will think too slight to have any credit against the honour and innocence of your Fellow Citizen."

FLY-PAPERS.

Fly-papers.

The only connection of fly-papers with the Maybrick case is that in the month of April Mrs. Maybrick purchased some at the shops of two chemists with whom James Maybrick had a regular account, and soaked some of them in a sponge basin in the bedroom. There was no concealment either about the purchase or about the soaking of the fly-papers.

This was absolutely all there was about fly-papers. No store of arsenic, which could by any possibility have been obtained out of these fly-papers by the most skilful analyst in the world, with all the appliances of a laboratory at hand, was found in the house at the time of death, and, as Superintendent Bryning put it when making the charge against Mrs. Maybrick before the magistrate—

"What became of the fly-papers or of the liquid in which they were seen there is absolutely no trace."

It was, moreover, demonstrated beyond the point of scientific question, that no solution of arsenic obtained from fly-papers had been introduced into anything which was found in the house. Plenty of arsenic, enough to poison fifty people, had been found.

Search on premises.

A parcel of *black powder*, labelled, "Arsenic. Poison for Cats," being a mixture of charcoal and arsenic, had been found!

A solution of this *black powder* in water had been found!

A solution of this *black powder* in milk had been found! and a "saturated solution" of white arsenic had been found! and, as I have set forth, some things—Valentine's Meat Juice, &c., which contained arsenic or traces of arsenic in them, had been found! but as Superintendent Bryning said—

"What became of the fly-papers or of the liquid in which they were seen there was absolutely no trace."

Now, if Mrs. Maybrick had been using a decoction of these fly-papers for the purpose of poisoning her husband, some trace of that decoction would have been found either in the "stores of arsenic" or in the things, such as Valentine's Meat Juice, &c., in which arsenic in solution was found. Mr. Davies' evidence, at the Magisterial Inquiry, as to that was:—

Q. I believe it is also a fact that you have not found in the solutions of arsenic in this bottle any traces of vegetable fibre, such as are found in fly-papers?

A. No, I have not. I have looked for them, and I have found no fibre that I could be sure came from fly-papers.

These fly-papers were the only things containing arsenic which Mrs. Maybrick had purchased, and was the only arsenic which anybody knew anything about as having been in the house

Fly-papers.

before death. All the other things were found *after death*, in the way I have described under the heading, "The Search on the Premises."

It was proved beyond scientific question that, wherever the arsenic which was found in the house *after death* came from, or whoever brought it into the house (whether Mrs. Maybrick or anybody else), none of it had any connection whatever with the fly-papers, because no fly-paper fibre was found in it.

"Fly-papers" was "a good cry to go to the country with" by the press and police over the "Maybrick Mystery," so far as Liverpool was concerned, in consequence of Liverpool having only a few years before been the theatre of the Flannagan and Higgins fly-paper poisoning case! and Liverpool accordingly became hysterical over the Maybrick case because there was "something about fly-papers" in connection with it.

My readers are not hysterical, and I will set out what the something about fly-papers was.

On some day in April Mrs. Maybrick purchased at the shop of a chemist named Wokes, who kept the Post-office close to Battlecrease House, and at which she was well-known (Mr. James Maybrick having been a regular customer for years), a dozen fly-papers, at 6d. a dozen.

Mr. Wokes.

Mr. Wokes' evidence, at the Trial, as to this, was:—

"I remember an occasion when Mrs. Maybrick called upon me, somewhere about the 24th of April, and purchased from me a dozen fly-papers. She made a remark at the time that the flies were beginning to be troublesome in the kitchen. I had only sold one lot of fly-papers before that during the present year. I sent my boy with the fly-papers to the house."

Q. Was the parcel rolled up with the ends open?

A. Yes. She didn't take them with her.

Q. Have you any means of fixing the date when these fly-papers were purchased?

A. It was not earlier than the 15th, nor later than the 25th.

Mr. Addison selected for the purposes of the case of the Crown the 24th April as the day on which these fly-papers were purchased. The date of this purchase was, as a matter of fact, very indefinitely ascertained, but for the purpose of connecting this purchase of fly-papers with the 27th April, which was the date which Mr. Addison also selected, much in the same sort of way, as the date of the first illness, he selected the 24th as the date of this purchase. Well, there is Mr. Wokes' evidence, and as he says that the purchase was made "not earlier than the 15th, nor later than the 25th," any day between those dates would be as good as another, and so Mr. Addison could pick any date between them he chose, and it suited his purpose to select the 24th!

The date of Mrs. Maybrick's other purchase of fly papers is, however, definitely fixed. It was the 29th of April, the day before the domino ball to which Edwin Maybrick escorted her.

Fly-papers.

On the 29th April, Mrs. Maybrick purchased of Hanson, another chemist in the neighbourhood, with whom the Maybricks were regular customers, two dozen fly-papers. At the same time she ordered a prescription for a lotion to be made up.

Mr. Hanson.

Mr. Hanson's evidence at the Trial was :—

Q. Just describe to us what took place in the shop when Mrs. Maybrick bought the things.

A. She came into the shop and brought a paper with the ingredients of a lotion written down. *It was not a doctor's prescription.* She had that made up, and while waiting, I suppose, seeing the fly-papers on the counter, she asked for some.

Q. They were on the counter, were they? You have not told us about that.

A. Yes.

Q. In a conspicuous position?

A. Yes.

Q. What was the lotion she ordered? What were the ingredients?

A. Tincture of benzoin and elderflowers.

Q. That is a cosmetic, is it not?

A. Yes.

Q. Is it within your experience that arsenic is an ingredient in many cosmetic preparations?

A. It is, Sir. Quite common.

Q. I must further ask you, knowing, as you have told us, that arsenic was common as an ingredient in cosmetics—is not that mixture of benzoin and elder flowers a lotion in which arsenic would very likely be used?

A. Yes, Sir, it is.

The above is the whole of the evidence about the *purchase* of these fly-papers.

Soaking of fly-papers.

Since then, some time in April—but the date is very indefinitely fixed, the nearest approach to it being two or three weeks after the Grand National, which was run on the 29th of March—Bessie Brierley, when doing up Mr. and Mrs. Maybrick's bedroom, one morning, noticed that there were some fly-papers soaking in the sponge basin. Mrs. Maybrick was in the room when she saw them. In the afternoon of the same day, Bessie Brierley having told the other servants about what she had seen, Alice Yapp went up and found them still soaking in the sponge basin, and next morning, Bessie Brierley saw the fragments in the slop pail.

The following is the evidence of the servants about the *soaking* of these fly-papers: their evidence varies in a most remarkable way.

Bessie Brierley

At the Inquest Bessie Brierley said :—

"Some time later than Friday, the 29th of March—the day of the Grand National—on going into Mrs. Maybrick's bedroom, I saw something there. *That was on the Wednesday or Thursday after the Grand National.* I noticed a small basin with a towel over it. The basin was on the washstand, with a bath towel over it. I lifted up the towel, and looked under it. There was a *fly-paper* under this. It was a small jug and basin."

Q. *Is it a wash basin or a sponge basin?*

A. *It is what is called a sponge basin.*

Fly-papers.

Q. What did you see in the basin beside fly-papers?
A. Something that looked like water.
Q. Having seen that, what did you do?
A. I put the things back as I found them.
Q. Did you mention having seen this to anybody?
A. Yes. I mentioned it to Elisabeth Humphreys, the cook, in the kitchen
Q. Did you mention it to anybody else?
A. Yes. Later in the day I mentioned it to Alice Yapp.
Q. Do you know what became of *that fly-paper* and the liquid!
A. *I found some bits* of fly-paper in the slop-jar kept under the washstand.

So that Bessie Brierley's evidence, about the soaking of fly-papers, given at the Inquest when the matter was fresh in her mind, was *one fly-paper* soaking in the little *sponge-basin* on the washstand in the bedroom, and that this occurred on the Wednesday or Thursday after the Grand National, that is to say either on the 3rd or on the 4th of April. There was no other occasion on which any fly-papers were seen soaking, and Bessie Brierley's evidence thus given at the Inquest when the matter was freshest in her mind, and before the chemists, Wokes and Hanson, had given their evidence as to the date of the purchase of fly-papers (Wokes fixing the date of the purchase from him as "not earlier than 15th, nor later than the 25th of April," and Hanson as on the 29th of April) makes this evidence, as to the date when she saw *a fly-paper* soaking, somewhat remarkable and unreliable, and what makes it the more remarkable is that Bessie Brierley gave this evidence, that the date was either the 3rd or 4th of April, *after* Alice Yapp had given hers, that the date was "*about a fortnight or three weeks* after the Grand National," which would be about the 12th to the 19th of April.

Alice Yapp.

The following is the evidence which Alice Yapp gave at the Inquest before Bessie Brierley was called into the witness box:—

Q. Can you tell me how long after the Grand National did you see Bessie Brierley, the housemaid, who said something to you?
A. *About a fortnight or three weeks.* I am not sure.
Q. In consequence of what she said, did you go anywhere?
A. Yes. I went into Mrs. Maybrick's bedroom.
Q. What did you see there?
A. I saw the *washhand basin*, covered with a towel.
Q. What time of the day was that?
A. It was in the afternoon.
Q. Did you do anything?
A. Yes. I lifted up the towel.
Q. Did you see anything in the basin?
A. Yes. There was another towel, folded up.
Q. Did you lift up the folded towel?
A. Yes.
Q. And what did you see under it?
A. A plate.
The Coroner: Did the towel completely cover the plate?
A. No. I could just see that there was something under the plate.

Fly-papers.

Q. *Was it a kitchen plate?*
A. *Yes.*
Q. Did it stand right or wrong side up?
A. The underneath part was up.
Q. You mean it was turned over?
A. Yes. It was turned upside down.
Q. Can you tell us whether the plate covered the bottom of the basin or not?
A. I am not quite sure.
Q. Did you do anything more?
A. I lifted up the plate.
The Coroner: Could you see anything on the plate before you lifted it up?
A. I did not notice.
Q. But you lifted up the plate?
A. Yes. I saw *some fly-papers.*
Q. Did you see anything else?
A. There was a liquid on top of them.
Q. *What colour?*
A. *It was not pure white.* It was slightly coloured.
Q. How do you know they were fly-papers?
A. The papers had the words "fly-paper" printed on them.
Q. Did you see anything else beside the words "fly-paper"?
A. I did not.
Q. Would you recognise similar fly-papers if you saw them?
A. I could not swear to them.
Q. Did you see drawings on the papers?
A. There were pictures of flies round the papers.

Superintendent Bryning produced some ordinary brown-coloured poisonous fly-papers, and one being shown to the witness, she hesitated, and finally said she did not read the matter printed on the papers she saw in the basin.

The Coroner: Can you say you saw any reading except "fly-paper" on the papers you saw?
A. No.
Q. Did you see the name of the person by whom the papers were manufactured?
A. No.
Q. Perhaps you did not take particular notice?
A. No, I did not.
Q. *Can you say how many papers you saw?*
A. *No.*
Q. *Did you see more than one paper?*
A. *There seemed to be a quantity.*
Q. *Then you are prepared to say there were more than one paper?*
A. *Yes. I am sure there was more than one.*
Q. Having seen these fly-papers, what did you do?
A. I put them back where I found them.
Q. Was any one present when you found these fly-papers?
A. No.
Q. Not Bessie Brierley?
A. No.
Q. What did you do with the fly-papers?
A. I left them on the plate, covered up with a towel, just as I had found them.

Fly-papers.

Q. *Did you communicate anything to anybody about this?*
A. *No, not until I spoke to Inspector Baxendale.*
Q. *Not to any other person?*
A. *No.*
Q. Do you know what became of the fly-papers?
A. I do not know.
Q. Had you any other knowledge of them?
A. No.
Q. I suppose it was not your duty to attend to the bedrooms?
A. No.
Q. Not even to help?
A. No.
Q. Who attended to the bedrooms?
A. Bessie Brierley and Mary Cadwallader.

This evidence, reiterated evidence, of Alice Yapp's, that she had not communicated anything about this to any person until she spoke to Inspector Baxendale is very extraordinary. Alice Yapp at the Trial confirmed it by saying, in answer to a question put to her by Mr. Addison :—

Q. When you saw the fly-papers, did you suspect your mistress?
A. No, sir.
Q. Why did you look at them?
A. I thought Bessie Brierley had made a mistake when she said there were fly-papers in the bedroom.
Q. Was that your reason?
A. Yes, sir.
Q. When you did see them, what then?
A. I did not think anything of them.

[NOTE.—*Now, this evidence of Alice Yapp's is most extraordinary. Mrs. Briggs and Mrs. Hughes distinctly gave evidence that it was on Wednesday, the 8th of May, that they saw Alice Yapp, and were told about the fly-papers, and it was not until Sunday, the 12th of May, that Inspector Baxendale went to the house "and made inquiries and took particulars," and Mrs. Briggs stated, in the most positive manner, to a newspaper interviewer, that Alice Yapp did tell her about the fly-papers. "Thank God, Mrs. Briggs, you have come, for mistress is poisoning master." I know that Alice Yapp has denied to a newspaper interviewer that she ever said so, but I shall put it to my readers, that this evidence, this reiterated evidence of Alice Yapp, at the Coroner's Inquest, that she never communicated anything about this to any one until she spoke to Inspector Baxendale, is absolutely inconsistent with the whole evidence throughout the whole case, which was that this soaking the fly-papers was the first thing which set suspicions going, and that instead of not communicating to any one else about this, the whole of the evidence shows that Alice Yapp did talk about it before she spoke to Inspector Baxendale.—A. W. Mc.D.*]

Now, it will be observed that Alice Yapp says that what she saw was *more than one fly-paper*, that they were soaking in *the*

washhand basin, and that there was a *kitchen plate* over them, that she did not see the name of the manufacturer, which, on these fly-papers of Wokes and Hanson's, is prominently printed—in fact, it is their advertisement—and that the incident occurred "a fortnight or three weeks" after the Grand National, that is from the 12th to the 19th of April! while Bessie Brierley, who went into the witness box, said that the incident occurred on the 3rd or 4th of April, that there was only one fly-paper, and that it was soaking, not in the washstand basin, but in the sponge basin—and my readers know that a *kitchen plate* could not be placed in a *sponge basin*. I am merely pointing out these things to show that Alice Yapp's evidence is absolutely unreliable, either as to dates or facts. Fly-papers.

I must also call attention to the fact that at the Inquest, although Elizabeth Humphreys was examined at length, she was not asked a single question about fly-papers, and that the only evidence given by Mary Cadwallader at the Inquest about fly-papers was—

"I remember fly-papers coming to the house. They were brought by a little boy to the back door."

It was upon this evidence that Superintendent Bryning, when making the charge against Mrs. Maybrick, at the Magisterial Inquiry, said :—

"A week or two after the Grand National—some witnesses said a week (that is, 5th of April), and some said a week or two (that is, 5th or 12th of April)—a curious incident happened. During a day on which Mr. Maybrick was at business, and when the prisoner was at home, a servant named Bessie Brierley, in going into the bedroom which was used by the prisoner and the deceased, *found a number of fly-papers* steeping in a basin on one of the tables in the room. Bessie Brierley told Alice Yapp about this, and the latter went into the bedroom, and she also saw them. *What became of the fly-papers, and the liquid in which they were seen, there is absolutely no trace.* But it may be remembered that about this time—*a week or two after the Grand National*—the period which I am about to mention is fixed by dates upon prescriptions. Mr. Maybrick's health became unsatisfactory. In consequence of this, he visited his brother, Mr. Michael Maybrick, in London, and consulted Dr. Fuller, his brother's physician. Dr. Fuller prescribed for him, and the date upon the prescription shows the date of the visit to London—that is, *the 14th of April, a week or two after the Grand National*, and *coincident* with the time these fly-papers were found in the bedroom."

And in support of this statement he called Bessie Brierley, who dropped the story about having seen a fly-paper soaking on the Wednesday, 3rd, or Thursday, the 4th of April.

Bessie Brierley said at the Magisterial Inquiry?— Bessie Brierley

"I found—*I cannot say what week, but it was in April—fly-papers* in a small basin in Mr. and Mrs. Maybrick's bedroom. I told the children's nurse what I had seen. The basin was covered with towels. There was a plate over the fly-papers which were covered with water, and then a towel over the plate, a towel also wrapped round the basin from the bottom to the top, leaving the

Fly-papers.

sides bare. *Next morning I found some scraps of fly-papers on the lid of the slop basin.* When I found the fly-papers, I had gone into the room in the ordinary course to tidy it, and in the ordinary course of my duties I would have to go to the washstand. At the time I went in Mrs. Maybrick was on the landing, and saw me go in. I was not long in the room, and after I came out Mrs. Maybrick went in again. It *was some hours after* this that I said anything to Alice Yapp, and so far as I knew when I told her the fly-papers were there still. The basin, in which they were in steep, was one of a set, and the towel over it was one of the towels in ordinary use in the room. I did not notice whether the plate which was over the fly-papers was cracked."

Alice Yapp.

Alice Yapp said :—

"About *a fortnight* or *three weeks* after the Grand National—that is, the 12th to 19th April—I saw a *quantity of fly-papers* in soak in the bedroom of Mr. and Mrs. Maybrick. I am not sure, but I think Mr. Maybrick occupied that room at that time. I left the fly-papers as I had found them, and I cannot say what became of them."

Q. Now, with regard to the fly-papers. The basin was standing in its usual position?

A. Yes, sir, it was so.

Neither Elizabeth Humphreys nor Mary Cadwallader, although they gave evidence at the Magisterial Inquiry, were asked any questions about this soaking of fly-papers. And now I should like my readers to ask why Superintendent Bryning told the Magistrates this cock and bull story about—

"some of the witnesses said a week after the Grand National, and some a week or two, a curious incident occurred"—

which was *coincident* with James Maybrick's health being unsatisfactory, and his going to consult Dr. Fuller, on the 14th of April, in consequence. Of course, at the Trial, Mr. Addison dropped it, because the fly-papers had not been bought till after that 14th of April, and said that James Maybrick went up to London in reference to money matters, and called Dr. Fuller to prove that there was nothing the matter with him then, and that his first illness was on the 27th of April.

Bessie Brierley.

Bessie Brierley's evidence at the Trial was :—

"I remember seeing some fly-papers in one of the rooms about twelve o'clock one day. They were in the bedroom. This was one day after the Grand National [the Grand National was the 29th of March.] They were in a small sponge basin on the washstand in my master and mistress's bedroom. I did not see how many fly-papers there were, but I called the attention of Alice Yapp to them. I never mentioned the matter to Mrs. Maybrick. At that time Mrs. Maybrick was in the house. I found some traces of the fly-papers afterwards in the slop pail."

Cross-examined :—

Q. Was it in the morning when you were doing up the rooms that you saw the fly-papers?

A. Yes.

Q. And it was before dinner time that you mentioned it to your fellow-servants? Fly-papers.

A. No, later than that; about three or four o'clock.

Q. Is it not a fact that Mrs. Maybrick was in the room on the occasion when you saw the fly-papers?

A. Yes, sir.

Q. At that time Mr. and Mrs. Maybrick occupied the same bedroom?

Alice Yapp's evidence at the Trial was:— Alice Yapp.

Q. Can you tell me how long about after the Grand National it was that the housemaid, Bessie Brierley, drew your attention to something?

A. *About a fortnight or three weeks.*

Q. What did she tell you?

A. She told me something in the nursery which caused me to go into Mrs. Maybrick's bedroom.

Q. What did you find?

A. I saw the wash basin covered with a towel, and I took the towel off. There was another towel on a plate, and I lifted the plate and saw a basin containing some fly-papers.

Q. How many?

A. I cannot say.

Q. How do you know they were fly-papers.

A. I saw fly-papers written on them.

Q. Was there anything else?

A. They were in the basin, and there was a small quantity of liquid.

Mary Cadwallader, the parlour maid's evidence at the Trial, was:— Mary Cadwallader.

Q. Do you remember the parcel of fly-papers coming?

A. Yes.

Q. When the parcel arrived, where did you put it?

A. On the table.

Q. Was it rolled up with paper?

A. Yes.

Q. And open at both ends?

A. Yes.

Q. Did any one go through them?

A. Mr. Maybrick saw them.

Q. Did he look at them?

A. Yes. I saw him pick them up and look at them.

Q. Did you and the servants talk about them at all?

A. Well, sir, they were mentioned one day.

Q. Do you recollect if any one suggested what they were for?

A. Yes, the cook said they were used for cleaning silk.

Q. Do you remember the domino ball to which Mr. Edwin Maybrick escorted Mrs. Maybrick on the 30th of April?

A. Yes.

Q. Do you recollect how long before that you saw these fly-papers in the hall?

A. About a week before that.

This is the whole of the evidence as to both the *purchase* and *soaking* of fly-papers.

Fly-papers.

Mrs. Maybrick's explanation of purchasing and soaking fly-papers is given in her statement to the Jury:—

"The fly-papers were bought with the intention of using them as a cosmetic. Before my marriage and since, for many years, I have been in the habit of using a face wash, prescribed for me by Dr. Grace, of Brooklyn. It consisted principally of arsenic, tincture of benzoin, elder flower water, and some other ingredients. The prescription I lost or mislaid last April, and as at that time I was suffering from a slight eruption of the face, I thought I should like to make a substitute myself. I was anxious to get rid of this eruption before I went to a ball on the 30th of that month. When I was in Germany many of my young friends there I had seen use a solution derived from fly-papers, elder water, and lavender, mixed into a face mixture, and then applied to the face with a handkerchief when it was well soaked together. I used the fly-papers in the same manner. But to avoid evaporation of the scent it was necessary to exclude the air as much as possible, and for that purpose I put the papers under a towel folded up, and another towel on top of this. My mother has been aware for a great many years that I used an arsenical cosmetic in solution."

Now, I put it to my readers that that statement of Mrs. Maybrick's, voluntarily made at the Trial, is consistent in all its parts with the evidence given by the witnesses of the Crown concerning this *purchase and soaking of fly-papers*, and being consistent, is a statement which she was entitled to have regarded as true. I put it as an indisputable proposition, that unless that statement is inconsistent with any part of the evidence, it must be accepted as true, and that it was the duty of Mr. Justice Stephen to have so told the Jury; and if true, it certainly is a complete explanation of this purchase and soaking of fly-papers.

But that is not all. It is a statement which is not only consistent with the evidence, but it is confirmed in this way—the purchase and soaking of these fly-papers was coincident, as far as the date could be ascertained, with the domino ball, to which Edwin Maybrick escorted Mrs. Maybrick, on the 30th of April.

The whole story about Mrs. Maybrick having these fly-papers for the purpose of poisoning her husband crumbles into dust before the fact stated by Superintendent Bryning that—

"What became of these fly-papers and the liquid in which they were steeped there is absolutely no trace whatever."

Cock-and-bull story.

It was simply a cock-and-bull story, and Mrs. Maybrick's explanation of why she purchased and soaked the fly-papers stands as absolutely uncontroverted truth. The case of the Crown was built up upon Flannagan and Higgins' fly-paper poisoning case, which, a few years before, had sent the people of Liverpool into a state of

wild excitement, and it is a story which could only have been listened to by Liverpool people, and only by them even when they had lost their heads in the presence of the Maybrick Mystery. There was absolutely no trace of the fly-paper decoction found on the premises ; and, moreover, it is a matter of absolute impossibility for Mrs. Maybrick or any one else to dissolve the arsenic out of either Wokes' or Hanson's fly-papers, except to an almost infinitesimal degree by soaking a number of them in a sponge basin, and any decoction made by soaking these fly-papers in water would be full of fibres of wool and hair of all sorts of colours—fibres indeed of such a characteristic character that they would be identified at once by any one by the use of a microscope. The only possible way in which these fibres could be got rid of would be by filtering them through the very best filter paper which is obtainable, and there is not the slightest suggestion that Mrs. Maybrick had any such filter paper. None was found in the house, and it would be a mere mockery of common sense to suppose that she would even have thought of buying filter paper (and only the very best would be efficient) on purpose to render these fibres invisible, except under a microscope. It is inconceivable that anybody would even think of such a thing. I refer my readers to Appendix A, where the most elaborate efforts have been made by an analyst (Mr. Godwin Clayton), with all the appliances of a laboratory, to obtain a decoction of fly-papers—both Wokes' and Hanson's—which did not contain these fibres, and the result of these experiments he there summarises thus :—

Fly-papers.

See Appendix A.

"It is next to impossible for any person without the opportunities for, and knowledge of, chemical manipulation, to obtain an aqueous infusion of the fly-papers which could have been added to the Valentine's Meat Juice in sufficient quantity to introduce half a grain of arsenic without signs of the addition being evident on microscopical examination in the shape of characteristically coloured fibres and hairs derived from the fly-papers."

I am, moreover, not at all satisfied that some trace of the decoction which Mrs. Maybrick did make in the sponge basin cannot be found, if a proper examination is made of one of the bottles found in the house.

Appendix B.

No. 3. Small round bottle, no label, containing small quantity of light liquid.

Mrs. Maybrick (as will be seen in Appendix B) made, while in the dock, the following note against this bottle, which, by the way, was found on a tray outside of a trunk in the linen closet by Inspector Davenport, in the curious way I have spoken of on the *17th May*!! Mr. Davies found in this bottle a very weak solution of arsenic with some "scent," and Mrs. Maybrick, when in the dock, made this note against it:—

Face wash.

"Weak solution, 10th of whole quantity, face wash."

Fly-papers.

I have warned Mr. Matthews (after he had refused to give any facilities for any competent analyst to examine this bottle, among others) to impound it and keep it in the hands of some official authority, so that if his successor in office should take a different view of his duties at the Home Office, this bottle may be examined, because I am not at all satisfied that some trace of the decoction of fly-papers which Mrs. Maybrick made, by soaking them in a sponge basin, will not be found—fly-paper fibres, benzoin, elderflower, and all—in that bottle, as to which Mr. Davies' evidence at the Trial was :—

"The next thing was a small round bottle that was found in the linen room, that contained *a very weak solution of arsenic.* It had no inscription on it, and appeared to have contained scent of some kind. *Perhaps there might have been 1-10th of a grain of arsenic,* supposing the bottle was full."

Cross-examined :—

Q. It is a small round bottle, unlabelled, and contained a small quantity of light liquid, which, in the result, you describe as containing *a very weak solution of arsenic, with some scent, as if it was scented water.* Would it suggest it had been used for *toilet purposes?*

A. It suggested that the bottle had contained scent, but whether it was mixed with arsenic at the time the two were present, I cannot say.

Q. *My question was whether it suggested to your mind that it had been used for toilet purposes?*

A. *It might have suggested that, sir.*

Mr. Matthews.

Now I do not know whether my readers are prepared to approve of the course taken by Mr. Matthews in conducting the duties of the Home Office in such a way that, after a person is locked up in prison, he should put any difficulties whatever in the path of any further investigation into such a matter as this? I, at all events, for one, am not satisfied. I denounce it as barbarous. That bottle is there! The evidence of Mr. Davies is there! Mrs. Maybrick's statement to the Jury is there! If that bottle, containing "a very weak solution of arsenic with some scent"—which suggested itself to the mind of Mr. Davies as having been used for toilet purposes—is examined by an independent and competent analyst, and is found to contain the characteristic hairs of wool and fibres of cotton of Wokes' and Hanson's flypapers, and to contain the ingredients of the lotion "benzoin and elder flower" which Mrs. Maybrick obtained from Hanson's at the same time as when she purchased the fly-papers, the truth of Mrs. Maybrick's statement would be absolutely proved. She could not have prepared "a very weak solution of arsenic with some scent" for the purpose of murder, or for any other purpose than cosmetics.

How can it be tolerated that Mr. Matthews should be allowed to represent our Queen by insolently refusing to allow that bottle, under such circumstances, to be examined by a competent analyst, while he keeps this woman in Woking?

How can it be tolerated that Mr. Matthews should be allowed to represent thus the administration of criminal justice in this country?

Let me dwell one moment on this, and repeat what I have shown.

In this Maybrick case there was no evidence whatever produced during the whole proceedings of any act of administration of arsenic to James Maybrick by Mrs. Maybrick or by anyone else, except by Dr. Humphreys.

A tiny quantity of arsenic—one-tenth of a grain—had been found in his body after exhumation.

There was a conflict of medical testimony of the strongest nature as to whether the "cause of death" was arsenic.

The evidence at the Trial did not show, or attempt to show, any act of administration of arsenic by Mrs. Maybrick.

Of course, as his wife, she had (as every wife has) every opportunity of administering arsenic to her husband, *but opportunity is not sufficient*, otherwise no wife could be safe in living with her husband, and no husband could be safe in living with his wife; indeed, every inmate of a house has, of course, opportunities of administering arsenic to any other inmate; and, again, the man had every opportunity of administering it to himself, which, in this case, as James Maybrick was given to dosing himself with all sorts of poisonous drugs, strychnine, arsenic, and the like, he may very probably have availed himself of his opportunities; *opportunity is not sufficient*, the Crown has to give *direct proof* of something more than opportunity. If it cannot give *direct proof* of any act of administration, it must give *direct proof* that the accused person having opportunities was in possession of arsenic, and that an illness occurred as a direct result of the administration of arsenic, and, having proved this, if the Crown gives a sufficient proof of a motive for administering it, the chain of evidence justifies a presumption that the accused person who had the opportunity, and was in possession of arsenic had administered it, and administered it feloniously. But in this Maybrick case, granting opportunities (which, as a matter of course, existed), and even supposing that a sufficient motive for poisoning her husband was shown in showing that she had committed adultery, the Crown must show by *direct proof*—not by probability—

Opportunity.

(1) That Mrs. Maybrick was in possession of the poison which caused death.

Direct proof.

(2) That an illness was the *direct result* of an administration of that poison of which she was in possession at the time that illness occurred.

But the only arsenic which the Crown proved that Mrs. Maybrick had ever acquired, or was in possession of, was these fly-papers.

And what the Crown did prove was that death was not due to any arsenic obtained from fly-papers.

Fly-papers. Mr. Matthews.

Why, then, should Mr. Matthews throw any obstacle of any kind whatsoever in the way of any proper examination of that bottle which contained—

"A very weak solution of arsenic with some scent"?

If that bottle contains the decoction of fly-papers, benzoin, and elderflower which Mrs. Maybrick, in her uncontroverted statement to the Jury, said was a decoction which she did prepare for the purposes of a cosmetic—seeing that Mr. Davies, the analyst, says this bottle suggests itself to his mind as having been prepared for toilet purposes—then her object in obtaining those fly-papers, and the use which she made of them, is *proved* to be for the purpose of *cosmetics* not of *murder!*

H. L. Jones.

At the Trial, *Hugh Lloyd Jones*, a druggist, at Bangor, gave evidence as to the use of arsenic in cosmetics being a commonly understood thing in the trade, and as to ladies buying fly-papers when there are no flies about; and *James Bioletti*, hair dresser, Dale Street, Liverpool, produced a bottle of Depilatory, which he regularly sold to ladies for removing hairs off the face, and also for cosmetics, because "there is an impression among ladies that arsenic is good for the complexion," and he said this toilet preparation of his he compounded, "one-fourth arsenic, with three-fourths of slacked lime, and sold it in two ounce bottles," and that "each bottle would contain half an ounce of arsenic," and that he had prepared it specially for ladies to use as "a cosmetic for improving the complexion. It is generally supposed to be a good thing."

Cosmetics.

Q. Have you prepared it?

A. I have simply put a very small quantity into a bottle. I only remember one occasion with elder-water—no, not elder-water—milk of almonds.

Q. Is this a concoction of your own, or in common use among perfumers?

A. In common use.

Q. Although you don't ordinarily sell it, you have sometimes been asked for it, for the purpose of applying it in the form of a cosmetic?

A. Yes.

Q. In that case would you put it in the form of a solution?

A. *Yes, with elder-flower water.* I have seen it advertised in the papers for the purpose of making the hair yellow.

Before the Inquest, indeed directly she was arrested and informed that her purchase and soaking of fly-papers was regarded as suspicious circumstances against her, Mrs. Maybrick told her solicitors, Messrs. Cleaver, that she had bought and soaked them to make a face wash. as she was at that time going to a fancy ball; that before her marriage she had been in the habit of using an arsenical face wash made up from a prescription by a doctor in New York, and that having mislaid the prescription she had bought and soaked the fly-papers to make a

substitute, as she had seen her schoolfellows in Germany make their cosmetics with fly-papers.

Her Solicitors, in preparing her Defence, suppressed this statement of hers about the American doctor's prescription. They thought it unnecessary to refer to it at all, and, consequently, did not provide any evidence about it. This was an unfortunate line of defence as it turned out, because Mrs. Maybrick insisted upon telling all about it to the Jury herself; and as it transpired that her Solicitors had been told by her about it from the very first, and as they had not only called no witnesses to prove anything about, but had, on the contrary, suppressed all about this American doctor's prescription. Mr. Justice Stephen not only himself regarded it as a lie made up for the occasion, but took pains to convey to the Jury that he did so regard it; and the fact that it was regarded as a lie made up for the occasion told very heavily against her, not only with the Jury, but with the general public, who, not unnaturally, came to the conclusion from that point of view that an innocent woman would not have made up a lie for the occasion. It was, however, no lie, as my readers will presently learn.

A lawyer's "bag of tricks" consists chiefly in this country of keeping back everything and leaving it to the accusers to bring everything out; but if Messrs. Cleaver had had (which they had not had) any large experience in conducting criminal cases, they would have known that the art of suppression is a very clumsy art in criminal trials, because Judges are familiar with all such devices, and are on the look out for them, and if by any accident it transpires that such devices have been resorted to, it is not the lawyers whom they cause to suffer for their clumsy line of defence, but the unfortunate prisoner. The whole training of a Judge's mind places him, in England, at all events, outside of what I may describe as the popular conscience, which is supposed to be represented by the jury system, and tends to make him regard himself as superior to it. Indeed, although he is not present in a Criminal Court as the Judge of the accused person, he poses and conducts himself as if he was superior to the popular conscience of the jury, who are the judges; and the jury, as a general rule, regard him as their superior, and simply follow his nod; and, practically speaking, Trial by Jury has become Trial by Judge and Counsel. It is for this reason that the art of suppression is a very clumsy device for a prisoner's lawyers to resort to, because though the popular conscience in a jury may not see through it, the Judge does; and when he finds out that it has been resorted to, he makes the fact tell heavily, not against the lawyers, whose trick it was, but against the prisoner.

Now this keeping back, by Messrs. Cleaver, of Mrs. Maybrick's own account to them of why she purchased and soaked the fly-papers is a very good example of the unfair consequences which such a device by lawyers inflicts upon a prisoner; and I will ask my readers to follow very carefully what I have to say about it.

When Sir Charles Russell on the Saturday, and at the end of his opening speech for the Defence, informed the Court that Mrs. Maybrick desired to make a statement of her own to the Jury, he used these words, which showed his own reluctance to her doing so:

"I do it because it is the wish of the prisoner that it should be done, because she mentioned it to her Solicitor before the Inquest."

And Mr. Justice Stephen having given his consent to her making her statement, Sir Charles Russell said:

"I suggest to my client that she should write down what she has to say, and read it on Monday, if she is able and your Lordship permits."

Sir Charles Russell, who was evidently opposed to her making any statement, probably suggested this in order that between then and Monday she might reconsider her desire to make any statement.

Mr. Justice Stephen, thereupon, evidently thinking that Sir Charles Russell's object was to enable her to concoct a statement prepared for her by her lawyers, was on the alert and said:

"I do not think the prisoner should be allowed to read a written address in which she might consult those around her and obtain advice. That, I think, would be objectionable. It has been held by all the Judges that that course ought not to be allowed, and several of them have practised what I now propose, that she should be allowed to say whatever she pleases, but I cannot go so far as to permit her to write it down."

Thereupon Sir Charles Russell made the most extraordinary proposition from the Bar on behalf of a prisoner which I have ever read of. What his object was I cannot conceive, unless it was to endeavour to frighten Mrs. Maybrick out of making a statement, which he was evidently so strongly opposed to her making; but whatever his object, what he said was:

"I think it would meet your Lordship's views, and I think it ought to be carried out, that *no one should communicate with her between this and Monday morning.*"

Extraordinary as such a proposition was, still more extraordinary is the way in which Mr. Justice Stephen met it. He said:

"Then let it be regarded as *an order of the Court* to the persons who are in charge of her."

I know not whether there is any precedent for any such "order of the Court"; but of this I am sure, that if there be one it is an evil precedent, which ought not to be followed. I emphatically protest against any Judge or any Counsel making any arrangement for any purpose whatsoever under which any prisoner, until after the jury have returned their verdict, is deprived of full and free consultation with her legal advisers on any matter whatsoever.

And as to making any such arrangement as an "order of the Court" to her gaolers, I emphatically deny the right of any Judge to make any such "order of the Court." It is an order which is not only outside of the Law, but is directly opposed to the spirit of the Law. It is the legal right of every accused person to have the fullest and freest and most confidential communication with her Solicitors, and that is a right which no Judge can be permitted to deprive her of, either with or without an "order of the Court;" and least of all, a Judge who is actually presiding at her trial and is present in the Court, not as her Judge, but for the express purpose of protecting her from anything which would tend to make her judges, the Jury, regard her as other than "presumably innocent."

But whatever Sir Charles Russell's object may have been when he made this extraordinary proposition, that this woman should be deprived of consultation with her Solicitors and be consigned to solitary confinement from that Saturday till Monday, why did not Mr. Justice Stephen say, indignantly, "Why should I treat Mrs. Maybrick as presumably guilty? Why should the Jury be led to suppose that if she wishes to make any statement of her own she would be likely to concoct something which is not the truth? I cannot treat her in any such way. I am here in this Court for the express purpose of taking care that she is regarded by the Jury and every one as presumably innocent; and I certainly shall not be a party to any proposition from whomsoever it may emanate, or for whatever purpose it is made, which treats her as presumably guilty. She has asked to be permitted to make a statement of her own; and the law allows her to make it. She cannot make it on oath, and she cannot be examined on it. The Jury are her judges, and they know the circumstances under which she makes it, and will attach what weight they think proper to it. But until the Jury have returned their verdict Mrs. Maybrick is presumably innocent, and it is my duty, presiding over this Court, to guard her from anything and everything which implies or suggests that she is presumably guilty." I venture to say that if Mr. Justice Stephen had met this proposition of Sir Charles Russell's in that way he would only have followed the traditions of

the Bench, and would have maintained the dignity of our Criminal Courts, which Lord Chief Justice Cockburn described in eloquent words thus:

"A Criminal Court is the Temple where Justice with Mercy for her handmaid sits enthroned on the noblest of her altars."

But what traditions of the Bench were followed, and what dignity of our Criminal Courts was maintained, when Mr. Justice Stephen and Sir Charles Russell put their heads together and consigned this woman (presumably innocent) to solitary confinement from the Saturday till the Monday in the middle of her trial, and made it an "order of the Court" to her gaolers that her Solicitors should not communicate with her during all those anxious, terribly anxious hours? Mr. Justice Stephen must have been strangely forgetful of the high function of a Judge at a Criminal trial when he treated this woman (presumably innocent) in this way, and he must have been strangely forgetful of the Law of England when he deprived by an "order of the Court," on any ground whatsoever, an accused person of her right to free and unrestrained communications with her Solicitors:

Sir Charles Russell then proceeded to say, and I most heartily endorse such sentiments—they are, however, strangely out of keeping with the arrangement he had made with Mr. Justice Stephen, to deprive her of consultation with her Solicitors:—

"It is obvious that a woman who had gone through what this woman has gone through for days, the object on which so many curious eyes have been fixed, and, however great an effort she may make to conceal the effect on her, she must feel acutely her position, and feel all the painful incidents of the trial; it is almost impossible to expect that she could make a statement complete in all points and perfectly coherent such as you would desire to hear."

These are words which commend themselves to common fairness and common sense. It is obvious that no woman seated in the dock for a whole week, and going through what Mrs. Maybrick had been going through, could make a statement "complete in all its points, and coherent," and no Juryman could have expected it. The popular conscience which a Jury represents, would echo those words within the breast of every Juryman in the box. Shut up under this "order of the Court" from communication with any one from that Saturday till Monday, it would be out of the range of human reason to suppose she could; but when Sir Charles Russell applied to Mr. Justice Stephen to allow her to write down what she had to say, Mr. Justice Stephen replied:

"She should be allowed to say what she pleases, but I cannot go so far as to permit her to write it down."

This treatment of this woman in a criminal court, while still presumably innocent, is no relic of a past barbarism of centuries gone by; that barbarism has left no relics behind. It is the new-born barbarism of the nineteenth century.

We, unknowingly and unwittingly, have become a cruel people. So soon as we have learnt the three R's we devote ourselves exclusively to the three P's—to what concerns our own Persons, our own Purses, and our own Pleasures. Naught else concerns us. Day by day we hear in conversation, and day by day we read in our newspapers, of this or that criminal trial, these words:

The Judge summed up against the accused.

They convey no meaning to our ears. So long as the accused woman is not our own mother or sister or wife or daughter, how does it concern us?

But, stop! Let me sound the tocsin! Let me ring the bell backwards!

These are the very words which form the great blot on England's history of two centuries ago:

"The Judge summed up against the accused."

In 1689, these words stirred the blood of all Englishmen. In 1889, they passed unnoticed.

History repeats itself in cycles. Its glories and its evils alike appear and disappear, though in different forms. In 1689, the barbarism which treated and regarded an accused person while on trial as presumably guilty produced a Judge Jeffreyes.

In 1689, the penalties awarded by law to persons convicted of crime were cruel and barbarous; and their very cruelty and barbarity rang the tocsin for us when men heard the words:

"The Judge summed up against the accused."

In 1889, the penalties of law are not cruel, and therein lies the insidious danger. There are no cruel punishments to sound the tocsin for us when we hear those words. But, mark this! It was not because the penalties of the law which Judge Jeffreyes had to administer were themselves barbarous. It was not, for example, because he awarded what was in his day the penalty the law demanded of a person convicted of harbouring a traitor, and passed judgment on Alice, Lady Lisle, that she should be

"drawn on a hurdle to the place of execution, where your body is to be burnt alive until you are dead."

It was not because in his days the law permitted the instant execution of convicted persons, and Judge Jeffreyes carried out such a barbarous law at the Bloody Assize. It was not, I say, because the laws in his day were themselves cruel and barbarous, that the name of Judge Jeffreyes became a byword and a reproach. No! it was because it was said of him that he, being Judge, helped the Crown lawyers to procure verdicts of guilty. It was because it was said of him:

"The Judge summed up against the accused."

To-day we pass by those words, which we daily hear, and daily see in our newspapers, as if they did not concern us. But, after all, it is only History which is repeating itself. It is the same barbarism in another form. It is the same Spirit of Evil, which has re-appeared. It is the same Spirit of Evil (though unperceived and unthought of) which presided over the Court while Mr. Justice Stephen and Sir Charles Russell were making their arrangement that Mrs. Maybrick should be deprived of communication with her legal advisers and consigned to the horrors of solitary confinement from the Saturday till the Monday, in the middle of her trial, under an "order of the Court" to her gaolers; and, treating her as presumably guilty, left her to prepare a statement, which, as Sir Charles Russell pointed out, it was impossible that any woman, under such circumstances and at such a time, could make complete and coherent. It is the same Spirit of Evil which spoke in these words:

"She should be allowed to say whatever she pleases, but I cannot go so far as to permit her to write it down."

It is the spirit of the new barbarism, the reappearance in another form of the barbarism of two centuries ago.

And now I have something more to say about this extraordinary arrangement between Sir Charles Russell and Mr. Justice Stephen.

Sir Charles Russell proceeded to say:

"I will not even make a reference to the statement I am told she desires to make, and which she had already made before the Inquest was held. I will make no further reference to it. I will offer in evidence the fact that she did make that statement before any evidence was given at the Inquest at all."

Now that was an admission at the Bar by Sir Charles Russell that her Solicitors had kept back against her will some statement of hers which she had made from the very first, and that she was then insisting, in spite of her legal advisers, in making it known to the Jury. It must have been palpable to Mr. Justice Stephen, and to every person who had had any experience in the administration of justice, from the very fact

of her insisting upon the Jury hearing this statement, that she was dissatisfied with the line of defence which her legal advisers had adopted by suppressing it, and that during the number of days she had been sitting in the dock—"a silent spectator of an interesting game played out by Counsel, with her life for stakes," she had seen that her Counsel were playing the game clumsily—that what she had said from the very first to her solicitors ought not to be suppressed; and in spite of the advice of her legal advisers, and in spite of the "order of the Court"—which placed her at the disadvantage of being kept in solitary confinement from the Saturday till the Monday, at a time and under circumstances when it would be impossible to expect any woman to make a complete and coherent statement—and in spite of the fact that she was not to be permitted even to write it down, she insisted upon making it known to the Jury.

It would be an insult to Mr. Justice Stephen's intelligence, with his large experience in the administration of justice, to suppose that he did not grasp the situation; that he did not see that this woman was going to make a statement against the wish of her legal advisers, and a statement which, whether incomplete and incoherent, or not, was one which she could not be examined upon so as to make it complete and coherent. Sir Charles Russell saw it, and accordingly he made it part of the arrangement:

"I will offer in evidence the fact that she did make that statement before any evidence was given at the Inquest at all."

And he informed the Court that it was to her Solicitors that she had made that statement. It was they whom he would call, and then anything incomplete or incoherent could be made clear. That was part of the arrangement. But as soon as Mrs. Maybrick on the Monday had made her statement, this is what happened!

Sir Charles Russell rose immediately and said:

"My Lord, I now desire to call two persons to whom this statement was made before the Inquest to give evidence to that effect.

"Mr. Justice Stephen: I wish to say it is very painful to me to have to refuse what I feel to be an essentially reasonable request, but I think I cannot allow it. I cannot go beyond what the law allows."

What Law? And if there be such a law, why in the name of common fairness did he not state that to be the law on the Saturday? Why did he assent to Sir Charles Russell's pledge, made before this woman, that he would call her Solicitors to prove that she had made this statement from the very first? Why did he allow Mrs. Maybrick (who had a right to rely upon that arrangement) to get up and make her statement before announcing

"I cannot allow it; I cannot go beyond what the law allows."

What Law? I repeat. Is it some judge-made law? Is it some law which Mr. Justice Stephen himself made between that Saturday and Monday? If so, I ask my readers, Do they intend judge-made laws to become the Criminal laws of this country? If this be a law, it is one which, however and whenever made, breathes not the spirit of justice, but the spirit of the new barbarism. Why, if Mrs. Maybrick did make that statement to her Solicitors from the very first, and if her Solicitors with their lawyers' bag of tricks did against her will suppress it, and keep it back from the Jury—in whom, as her judges, the popular conscience lay—why should these lawyers not have been put into the witness-box to tell the Jury, in the interests of justice, why they had kept this back against her will?

Now I have said that this attempt to keep back her own Defence, and substitute another line of Defence, was a clumsy device of her Solicitors, and that such devices often inflict unfair and unjust consequences on a prisoner who, and not the lawyers, have to suffer for such clumsy devices, and that what happened in this case was a very good example of those consequences. And now I will explain why.

Mr. Justice Stephen's position in that Court was Counsel for the accused, not Counsel for the lawyers of the accused; but instead of leaving this statement of Mrs. Maybrick's as it stood for the Jury, who were her judges, to form their own opinions about—as a statement made by her voluntarily, and under the circumstances in which it was made—Mr. Justice Stephen, when summing up to the Jury, *commented upon* it, detail by detail, as if he were sitting in that Court, either as Prosecuting Counsel, helping the Crown lawyers to procure a verdict of Guilty, or as Counsel for the lawyers of the accused to protect their professional reputation from the consequence of their clumsy device.

Let me quote some of his words:

"The whole Sunday she managed so that she should be able to make any statement that she thought well to make.

"Well, the result was she did make a statement, and you heard it, and I will proceed to read it over to you, and to comment upon it."

And he did comment upon it, and comment at length and adversely upon it, line by line, and word by word, and he made it perfectly clear to the Jury that in his opinion it was a made-up lie from beginning to end, and not only that that was his opinion, but that her lawyers must have had the same opinion about it.

As regards the story in it that she had bought and soaked the fly-papers as a substitute for a prescription by an American doctor of an arsenical face-wash which she had mislaid, he said:

"It is a singular thing that if this be the fact she has stated, there should be no witnesses to prove it. Gentlemen, this statement is made under circumstances which you can well remember. It was stated that it was known before, and Sir Charles Russell wished to call witnesses who had heard it long before it was brought before the Court. It must, therefore, have been under the consideration of Mrs. Maybrick's legal advisers. Why are there no witnesses here to prove it?"

I will answer the question—as Mr. Justice Stephen ought to have told the Jury that they should answer it. Because her legal advisers suppressed it, and having suppressed it, had no occasion to call witnesses from America and elsewhere to prove it.

Mr. Justice Stephen went on:

"She is a person who—very likely owing to the kindness of Mr. Cleaver, but that is not the point—obviously had the means of procuring excellent legal advice, and of providing evidence which costs considerable sums of money. Why is there no evidence?"

Now I do not think I need do more than point out that such a remark was a suggestion by the Judge to a Liverpool Common Jury that it was because she was a person in a higher grade of life than the Jury themselves were, that she had opportunities of procuring excellent legal advice, and of providing evidence which were not open to ordinary prisoners.

Such a suggestion, was an unfair one, for, to the honour of the legal profession be it spoken, the poorest prisoner "very likely owing to the kindness of someone, but that is not the point," is never without "the means of procuring excellent legal advice and providing evidence," and I do not know why Mr. Justice Stephen should have made this reference to such a matter. He must have known, as all the rest of the world knows, that any suggestion falling from a Judge that there was one law for the rich, and another for the poor, would act very prejudicially with such a class of society as a Liverpool Common Jury.

It was unfortunate. Nay, it was unfair that Mr. Justice Stephen should have allowed himself to make such a reference to her legal advisers for the purpose of a foundation for his repeated questions: "Why is there no evidence about this American doctor's prescription?"

I will answer that question in the way in which he ought to have told the Jury that it should be answered.

Because her lawyers had not taken any steps to provide any evidence about it.

And now, having answered that question, I, in turn, will ask one: What does Mr. Justice Stephen mean by a prisoner providing evidence? A prisoner pending her trial cannot provide evidence. She is kept locked up and prevented from doing so. The only person whom she is allowed even to see (except in the

presence of the officials of the Crown) is her lawyer, and it is he, and not Mrs. Maybrick, who did not provide this evidence—he, and not she, it was, who suppressed all about this American doctor's prescription and kept it back from the Jury. Mr. Justice Stephen was not present in that Court as Counsel for her lawyers, either to vaunt or to protect their professional skill. He was, on the contrary, there to see that Mrs. Maybrick did not suffer injustice from any want of skill by her lawyers, or in any other way, and it is to Mr. Cleaver, and not to the Jury, that he should have addressed that question, "Why is there no evidence?"

Sir Charles Russell in his opening speech for the defence, said at the Bar, under the instructions of Messrs. Cleaver:

> "Messrs. Cleaver took up the defence of this lady when she was practically forsaken and alone."

And Mrs. Maybrick, thus forsaken and alone, and locked up in prison, left everything to Messrs. Cleaver. She told them about this American doctor's prescription, and it was they, not she, who had suppressed it and had not provided evidence about it, and it was they, and not the Jury, who ought to have been called upon by the Judge, and in no unmistakable terms either, to answer that question, "Why is there no evidence?"

But Mr. Justice Stephen went further, for after commenting adversely upon Mrs. Maybrick's statement, he said:

> "If that story is true, if you can accept it, it is a matter for you to decide, but you must take account of the imputations of falsehoods made against her in those letters."

Now these letters to which he thus introduced a reference for the purpose of suggesting to the Jury that they ought to regard her statement as a lie, were some letters written by two persons who were not even called as witnesses, in which they had imputed to her that she had been telling them some fibs about her movements when in London in reference to her intrigue with Brierley. I am not going to make any comment upon Mr. Justice Stephen's introduction of any reference to such letters in connection with Mrs. Maybrick's statement to the Jury, simply because I need not. It furnishes its own answer to the question I will put to my readers upon it:

Is this the way that Criminal trials are to be conducted in this country?

I will now go straight to that statement of Mrs. Maybrick's. In it she said that she had purchased and soaked the fly-papers because she was going to a ball and wanted to use a face-wash, and to prepare a substitute for a prescription of an arsenical face-wash which she had been in the habit of using before even her marriage, and which had been prescribed by a doctor in New York, but which she had mislaid.

My readers are aware that Mrs. Maybrick was taken into custody before even the Inquest, and while she was lying ill in bed and utterly prostrated by a mysterious speechless swoon, into which she had fallen some hours before her husband's death. My readers are also aware that James Maybrick's brothers by this will were made the "universal legatees," and that even before his death they had usurped control in the house, and had hurriedly removed everything out of the house and sold the furniture by auction before even the Trial or proving the will, and that she had no chance of searching for anything. My readers are also aware that at the time when Mrs. Maybrick was thus taken into custody she was forsaken and alone, without a friend to help her and without money even to send a telegram to her mother, and that the woman she thought was a confidential friend—Mrs. Briggs—finding her in these straits, suggested to her (as she boasted before a Liverpool Jury) "in sarcasm," that she should write to Brierley to let her have a little money for present needs, and that this confidential friend—this Mrs. Briggs—handed her letter to the policeman at the door, and that it never reached its destination. It was in this position of matters that Michael Maybrick, one of the "universal legatees," sent Mr. Cleaver to her to act as her Solicitor, but on the ground that he was "a witness for the Prosecution," refused to supply Messrs. Cleaver with any money for the Defence of his brother's widow, who had been left by the will without bed or blanket, and was in this fearful trouble, lying ill, utterly prostrated in bed, and in custody of the police, on the vague charge of

"On suspicion of causing the death of her husband."

These were the circumstances to which Sir Charles Russell, instructed by Messrs. Cleaver, referred when he said:

"Messrs. Cleaver took up the Defence of this lady when she was practically forsaken and alone,"

and to which Mr. Justice Stephen referred when he said:

"Very likely owing to the kindness of Mr. Cleaver, but that is not the point, it is obvious she had the means of procuring excellent legal advice, and providing evidence which costs considerable sums of money."

[NOTE.—*Messrs. Cleaver, by way of finding funds for her Defence, took from her an assignment of her little private property, which consisted of some life policies and a life interest in some house property in New York, yielding £125 a year.*]

Messrs. Cleaver under such circumstances not unnaturally—nay, in the pursuance of their duty—would be desirous of saving the expenses of providing any evidence which could be dispensed

with, and as the prescription for an arsenical face-wash by the American doctor had been mislaid, if they had referred to it they would have had to call witnesses from America about it, so they thought it best to suppress all reference to it as a matter which involved an unnecessary expense. They considered that the facts which they could and did prove were sufficient to explain her purchasing and soaking fly-papers, and that it was consequently unnecessary to make any reference to any mislaid prescription, or to provide any evidence about it. They had got witnesses to prove, who did prove, as my readers have seen :

1. That arsenic was a common ingredient of cosmetics.

2. That Mrs. Maybrick purchased at the same time as the fly-papers some benzine and elderflower water, which are also common ingredients of cosmetics.

3. That her purchase and soaking of these fly-papers was just before she was going to a fancy ball.

4. That she purchased them openly from her regular chemists, who had sent them in an open parcel to the house; that the servants had taken them in and placed them on the hall table; and that James Maybrick had himself taken them up and looked at them.

5. That she had soaked them openly in the bed-room in the presence and knowledge of the servants.

6. That there had been no attempt at concealment in connection with either her purchase or soaking of them.

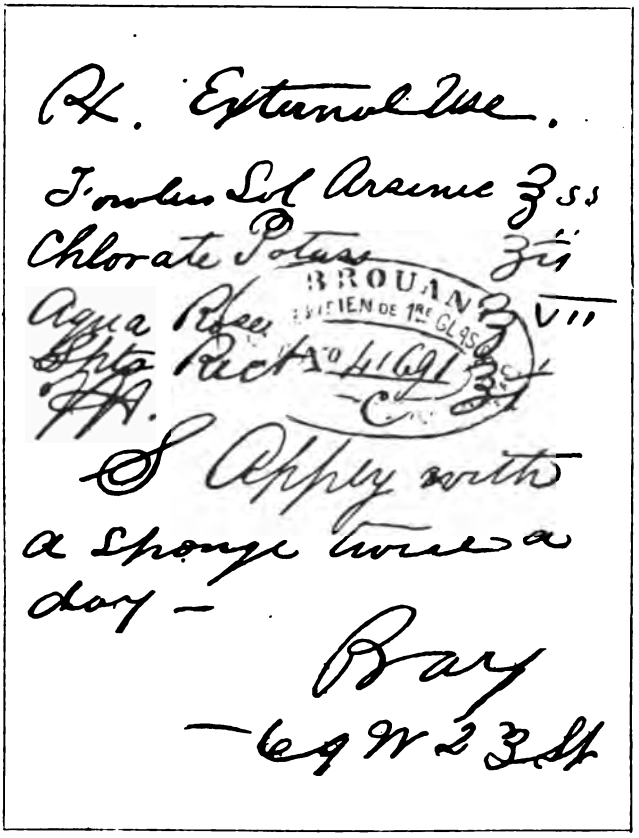
7. That after a most diligent search by the analyst no trace of any decoction made from the fly-papers had been found in anything in the house.

Messrs. Cleaver thinking (and, perhaps, most of my readers will consider fairly thinking) that such evidence disposed of anything suspicious in her purchasing and soaking fly-papers, did not see any necessity for providing any evidence about any mislaid prescription for an arsenical face-wash which had been, she told them, prescribed for her before even her marriage, and so they thought it best to suppress all reference to it, as only encumbering the defence and creating expenses.

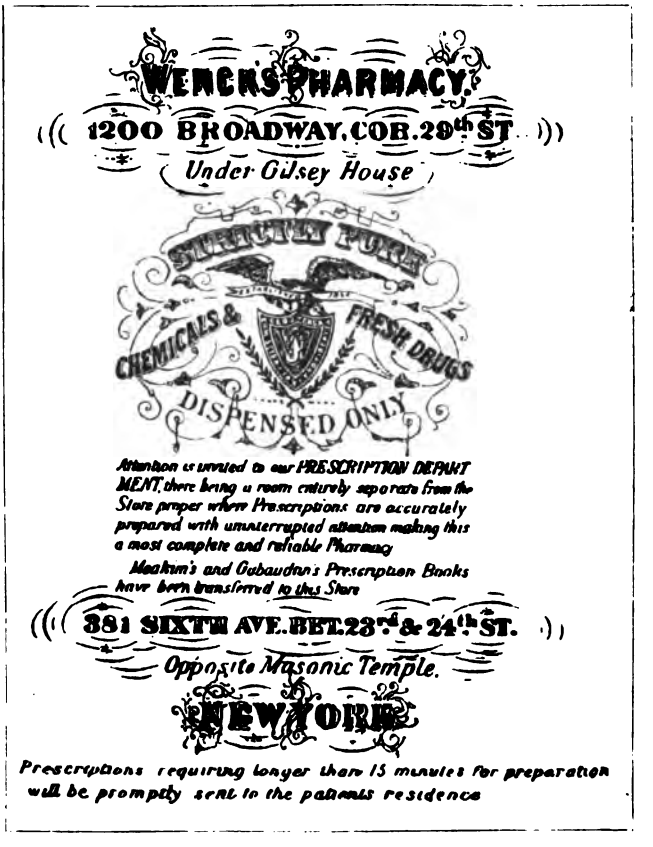
But when Mrs. Maybrick insisted upon telling the Jury about this prescription herself, Mr. Justice Stephen, whether from a desire to shelter Messrs. Cleaver from any imputation of clumsiness in suppressing it or not, made the Jury clearly understand that he himself regarded it as a lie made up by Mrs. Maybrick for the occasion, and, moreover, that her Solicitors must have taken the same view of it because she had told it to them long before the Trial and they had kept it back.

But it was no lie—the prescription has been found; and a chemist who dispensed it before her marriage (and before,

FACSIMILE OF PRESCRIPTION FOR FACE WASH.



FACSIMILE OF CHEMISTS' LABEL.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Opposite Masonic Temple.
NEW YORK
Prescriptions requiring longer than 15 minutes for preparation will be promptly sent to the patients residence

[To face page 413.

therefore, she could have had any murderous designs on her husband's life in obtaining an arsenical face-wash), and who had made an entry of it in his books when he dispensed it, has also been found, and Mrs. Maybrick was speaking the truth.

[NOTE.—*Among the very few things which the Maybrick Brothers, the universal legatees, allowed Mr. Cleaver to have out of the house was a book—a Bible which had belonged to Mrs. Maybrick's father. After the trial Mr. Cleaver gave this book, together with a few other little articles which had belonged to Mrs. Maybrick, to her mother, the Baroness de Roque, who, months afterwards, happening to turn over the leaves of this Bible, came across, evidently mislaid there, a small piece of printed paper—a New York chemist's label—on the back of which was a New York doctor's written prescription for an arsenical face-wash, "For external use; apply with a sponge twice a day." The facsimile of each side of this piece of paper I now place before my readers, as also a certified copy of the entry in a chemist's books of having dispensed it in* 1878 !]

The exact size of the Prescription for Face Wash which has been accidentally found in the leaves of the book is shown by the fac-similes, which represent the front and back of the piece of paper, and it will be observed how easily such a small piece of paper could be overlooked or mislaid. The prescription itself is written on the back of Wenck's printed form, and it will be observed that there is on it an indistinct stamp—"Brouant"—of a chemist who had dispensed it. I have ascertained that Brouant is one of the leading chemists in Paris, and application to him was made as to his dispensing it, and on referring to his books he found the following entry, of which he sent a certified copy. It will be seen from the date, 1878, *that Mrs. Maybrick spoke the truth when she said that she had been in the habit of using a face wash, of which arsenic was a principal ingredient,* before her marriage, *because* 1878 *was before her marriage.*

CERTIFIED COPY OF ENTRY IN M. BROUANT'S BOOKS.

Entry in Brouant's books.

"L. Brouant,
"Pharmacien de 1re classe,
81, Avenue d'Eylau,
Paris.

Copie de l'Ordonnance No. 41691,
de M. le Docteur Bay,
du 17 Juillet, 1878.

Liqueur de fowler.....	30
Chlorate de potasse	7·50
Eau de Roses	210
Alcool rectifié	30

"Usage externe."

I cannot exactly blame Messrs. Cleaver for not having searched the leaves of this book. It would scarcely have occurred to them to have done such a thing as that. Nor can I exactly blame the police

Fly-papers.

and their "witnesses for the prosecution," the "suspecting five," for not examining this book when they ransacked Mrs. Maybrick's papers and letters, but it is, to say the least of it, unfortunate that the "search on the premises" was made in the manner it was. In one of Mrs. Maybrick's letters to her mother, written while in prison awaiting trial, which is in my possession, Mrs. Maybrick says of the prescription for face wash :—

"Walton H.M. Prison, 28th June, 1889.
"I had it at home, but, of course, it won't be found now."

Of course she never had a chance of looking for anything herself. As soon as her husband was dead, the "witnesses for the prosecution" usurped authority in her house, ransacked her papers, and she was arrested and surrounded by these unfriendly people, and by police, and there is a grave satire on the administration of justice which must grate on the ears of my readers and make them reflect whether all this is possible or fair.

"I had it at home, but, of course, it won't be found now."

Well, in the result a prescription for face wash has actually been now found, and here it is, and it contains arsenic. I know not what facilities were afterwards given to Messrs. Cleaver to make any search for anything on her behalf, or whether they availed themselves of any such facilities; but this I know, that no facilities were given to her mother, and that Messrs. Cleaver never took the trouble to ask either Cadwallader or Elizabeth Humphreys any questions before they left the house; and this I also know, that the servants were sent away, and Grant, the gardener, and his wife, Alice Grant, put in charge of the house, and that the furniture and everything was cleared out of the house a fortnight after death by order of Michael and Thomas Maybrick, and sold by auction by them before the trial, and before even they had proved the will.—A. W. McD.]

THE VALENTINE'S MEAT JUICE.

This is perhaps the most important incident in the whole case, and indeed the only one which in any way could be suggested as directly connecting Mrs. Maybrick with arsenic, and even this does not connect Mrs. Maybrick with the arsenic which was found in James Maybrick's body, except in an indirect way, because he did not take any of the Valentine's Meat Juice after the bottle had been, or had been supposed to have been, in Mrs. Maybrick's hands.

Arsenic in the form of black powder labelled "Arsenic, Poison for Cats," black solutions of that powder, and a so-called "saturated solution" of white arsenic had been found in the house *after death* in places open and accessible to everybody, including Mrs. Maybrick. It was only assumed, for it was not proved, that Mrs. Maybrick had had any of these things in her hand, and it was not even proved that they were in the house *before death*, nor who had purchased them, nor even where they had come from.

Traces of arsenic had also been found in the house *after death* in the following things :—

1. The trap of one of the water-closets inside the house.
2. The trap of the drain in the area outside the house.
3. A small round bottle containing scent, found on the top of a tray in the linen-room, six days *after death*.
4. A bottle of medicine made up for, and delivered to, James Maybrick, on the 24th April, by Clay and Abraham, and found in the house a week after death.
5. A bottle of Price's glycerine, found in the lavatory a week after death.

There was no *direct* proof of Mrs. Maybrick's having been

either to that water-closet, or to that drain in the area, or of her having had in her hands any of those bottles.

On the other hand, there was *direct* proof of Mrs. Maybrick's having had in her hands the following things which James Maybrick had partaken of, and which it was suspected she had tampered with, but which were found to be free from arsenic :—

A bottle of vanilla.

A bottle of Neave's Food.

A bottle of medicine which she was seen changing from one bottle to another.

And a bottle of brandy—

all of which, on analysis, were found free of arsenic.

There had also been found in the water used for rinsing out —all together with a pan, basin, and jug, found, not at the house, but at the office, by Edwin Maybrick, *a week after death*—a trace of arsenic, but there was no *direct* proof that any of these vessels had been in Mrs. Maybrick's hands. There was also produced by Edwin Maybrick, at the Trial, a dressing-gown of Mrs. Maybrick's, the lining of the pocket of which was stained with traces of arsenic.

The Crown relied in their charge against Mrs. Maybrick, upon proving that arsenic was found in the house after death —to which Mrs. Maybrick might have had access before death —and upon showing that she must have had access to it, because arsenic had been found in a bottle of Valentine's Meat Juice which had been in her hands. Nobody had actually seen her put it in, but it had been found there, and the Crown completed their chain of *indirect* proof connecting Mrs. Maybrick with the death of her husband, by showing that in her relations with Brierley she had been an unfaithful wife, and in that way had a Motive for Murder. I will not stay here to consider whether it is a fair assumption that unfaithful husbands, or unfaithful wives, are prone to murder, or

whether adultery is a sufficient Motive for Murder. It was the motive, and the only motive, for murder relied on by the Crown in the Maybrick Case. Valentine's Meat Juice.

But now comes the point, the Crown having no other evidence of *possession* of arsenic by Mrs. Maybrick, except the *direct* proof of arsenic having been found in a bottle of Valentine's Meat Juice, it was a necessity—it was an essential to that proof of possession that the Crown should prove that the bottle of Valentine's Meat Juice was the *identical* bottle which had been in Mrs. Maybrick's hands.

The *identity* of that bottle is not a matter which the Crown could content itself with *assuming*—its duty was to *prove* it beyond all reasonable doubt. It was shown in the evidence that there had been other bottles of Valentine's Meat Juice in that sick room. It was plain from the whole circumstances of the case that Mrs. Maybrick was surrounded in that sick room by unfriendly persons who were "suspecting" her, and who had the same access to any arsenic that had been found in the house, if it really was there before death, that Mrs. Maybrick had had, and who, moreover (some of them being professional nurses), in the ordinary course of their avocation must often have been in the possession of arsenic themselves in the ordinary medicinal form of Fowler's solution, and who were acting as amateur detectives, desirous of, or at least seeking for, some ground for putting a charge of poisoning her husband upon Mrs. Maybrick—and under such circumstances it was essential that the Crown should prove the *identity* of the bottle beyond reasonable doubt—and moreover, that there was nothing in the conduct of the "suspecting" persons which could suggest that they had had any opportunities for introducing arsenic into the bottle for the purpose of putting a charge upon Mrs. Maybrick. It was absolutely essential for the Crown to prove beyond reasonable doubt that the bottle in which arsenic was found was the *identical* bottle which was in Mrs. Maybrick's hands on that night of Thursday, the 9th of May, and was in the same condition as it was when it was in her hands. Identity of bottle.

The fact that Mrs. Maybrick had taken from the sick room a bottle of Valentine's Meat Juice into the dressing-room for a few minutes on that Thursday night, and had replaced it in the bedroom, and the other fact that arsenic had been found in a bottle of Valentine's Meat Juice was a "suspicious circumstance," but if we are to have Criminal Trials based upon "suspicious circumstances" only, the Crown cannot confine its attention to the "suspicious circumstances" connected with the conduct of one person only. They must see that there are no "suspicious circumstances" connected with the conduct of others concerned in the matter. We shall presently see, when we come to examine the

Valentine's Meat Juice.

evidence as to this bottle of Valentine's in what way the Crown performed its duty in that respect.

If the essential fact of the *identity* of bottle is established by that evidence (which I shall presently show most certainly was not established) there are two ways in which the arsenic may have been introduced into it—

Putter on or murderer.

(1) Mrs. Maybrick may have put it in.

(2) Some unfriendly person may have put it in for the purpose of putting a charge upon Mrs. Maybrick.

and the conduct of all the persons in the sick room in reference to that bottle must be closely observed.

The patient had not taken any of that Valentine's Meat Juice after it had been in Mrs. Maybrick's hands, and, therefore, any "putter on" would not have sought to put a charge of actual murder upon Mrs. Maybrick. Indeed, the most remarkable care was shown by the Crown witnesses to prove by evidence that none of the meat juice had been actually taken by the patient!

Suspicious circumstances.

The first "suspicious circumstance" in reference to that particular bottle, in connection with the conduct of any other person, was that the bottle which Mrs. Maybrick had taken from the bedroom into the dressing-room on the night of Thursday, the 9th of May, was not *there and then taken possession of* by Nurse Gore, and submitted to the analyst. This in itself is a "suspicious circumstance," because Mrs. Maybrick was under suspicion, and Nurse Gore was under special instructions to watch her and prevent her administering anything to her husband, and Nurse Gore's suspicions were specially directed to this particular bottle, because of Mrs. Maybrick's suspicious conduct in taking it into the dressing-room and replacing it, as it seemed to her, clandestinely upon the table in the bedroom, and subsequently removing it to behind the basin on the washhand-stand. It is certainly a suspicious circumstance, pointing to some zeal on the part of Nurse Gore, in her novel capacity of female detective, to catch Mrs. Maybrick, at the risk of the patient's getting some poison.

Nurse Gore.

In her capacity of nurse her duty would clearly have been—if she had grounds for supposing that that bottle had been poisoned *to take instant possession of it, remove it at once from the sick room, and place it beyond the possibility of its being administered.* But not only did Nurse Gore not do that, but she left that bottle there, and did not even mention what had happened to Dr. Humphreys, when he called to see the patient the next morning, Friday, the 10th, nor to Michael Maybrick, under whose instructions she was engaged in watching Mrs. Maybrick, but gave him a *bottle of brandy* instead! which, on analysis, proved to be free from poison; all she did in fact about that bottle of Valentine's Meat

Juice was to take care that the patient did not have anything out of it during her time for being on duty, and on her being relieved, to direct Nurse Callery's attention to it, and ask her to take a sample of it, and having done that left the bottle there and her patient exposed to any opportunities or accidents! and then went into Liverpool at 11 o'clock, not returning till 2 o'clock, when she told Nurse Callery to throw away the sample, having received orders to that effect from the matron of the Nurses' Institute; and then, for the first time, told Michael Maybrick, who went into the bedroom and took *a bottle of Valentine's Meat Juice*, which he took out into the garden with him, and on Dr. Carter's coming at 4-30 p.m. to visit the patient he gave him the *bottle of brandy* to which Nurse Gore had directed his attention in the *morning* and also a *bottle of Valentine's Meat Juice* which he had taken out of the bedroom, at Nurse Gore's suggestion, in the *afternoon*. In the bottle of brandy nothing was found, but in the bottle of Valentine's Meat Juice half a grain of arsenic in solution was said to have been found by the analyst. Mr. Davies only actually found $\frac{12}{100}$ths of a grain of arsenic, but as he found that in 100 grains of the liquid he calculated, by multiplying by 4, that there was half a grain of arsenic in solution in the bottle, which contained 411 grains of liquid when handed to him. There was, in fact, no lack of "suspicious circumstances" attaching to the conduct of Nurse Gore in reference to this bottle. And I want my readers to follow closely the evidence which the Crown produced to show that the bottle in which Mr. Davies found that $\frac{1}{2}$ grain of arsenic in solution was *the identical bottle* which was in Mrs. Maybrick's hands on that Thursday night, the 9th of May.

Valentine's Meat Juice.

But, before we come to consider the evidence relating to this Valentine's Meat Juice incident, it would be convenient to shortly state what the evidence must be to show and establish a charge of murder by arsenic by *indirect proof*.

Where, as in this Maybrick case, there is no *direct* evidence of administration of arsenic, a charge of murder by arsenic has to be established by *indirect* evidence.

That *indirect evidence* must show by *direct proof*—

Judicial evidence.

(1) Opportunities for administering it.

(2) The possession by the accused person of arsenic.

(3) That symptoms of arsenical poisoning exhibited themselves during the time that the accused person being in possession of arsenic had opportunities of administering it, and that arsenic was the cause of death.

These three things are essential to an *indirect* proof of administration of arsenic, but these three things being *essential* they

Essentials for indirect proof.

Valentine's Meat Juice.

must themselves be proved by *direct* evidence in order to establish a charge of murder by arsenic upon *indirect* evidence. There must be no question of suspicion or probability about these three essentials, and moreover they must all three be *directly* proved, viz., opportunity—possession—and death resulting from arsenic. It will not do to show that the accused person had a *motive* unless those three essentials of indirect evidence as to *action* are all three of them proved by *direct* evidence, because motive may exist without action following on it!

In the Maybrick case the Crown did not seek to establish the charge of murder by any *direct* proof of any act of administration of arsenic by Mrs. Maybrick—they relied solely upon proving the three essentials of *indirect* evidence, and coupling them with suspicious acts on the part of Mrs. Maybrick.

If, then, it was *directly* proved that, during the illness, Mrs. Maybrick was in possession of arsenic, and had opportunities of administering it—that the symptoms of arsenical poisoning had been followed by death caused by arsenic—the chain of indirect evidence would be complete if a sufficient motive and sufficiently suspicious conduct on the part of Mrs. Maybrick was shown.

This was the case of the Crown. I will not enter now into the question whether the Crown did prove that death had been caused by arsenic, or that the symptoms of the illness were those of arsenical poisoning at the time when Mrs. Maybrick, as a wife nursing her husband, of course, had opportunities of administering it (there was a most distinct conflict of medical opinion both as to the symptoms being positive symptoms of arsenical poisoning, and also as to whether the cause of death was arsenic, and of course the chain of indirect evidence was loosened, if not broken, by that conflict of medical opinion), but I shall confine myself when dealing with the Valentine's Meat Juice incident to the other essential of *indirect evidence*, viz., the *direct* proof that Mrs. Maybrick was in possession, before death, of arsenic. The only *direct* evidence of her being in possession of arsenic before death which the Crown produced is that a bottle of Valentine's Meat Juice had been in her hands and had been put into the bedroom by her on the night of Thursday, the 9th of May, and that a bottle of Valentine's Meat Juice had been taken from that bedroom on Friday afternoon, the 10th of May, and that arsenic had been found in it. If the Crown had given *direct* evidence that that bottle was the *identical* bottle, and that no one else had had an opportunity of putting arsenic into it after it had been in her hands, the presumption would have been irresistible that Mrs. Maybrick had arsenic in her possession, and the inference would follow that—although none of that particular bottle had been administered to the patient after it had been in her hands—she having been thus proved to have been in possession of arsenic,

and having been proved to have had opportunities for administering arsenic, if the cause of death was arsenic it must be assumed (in the absence of any proof of an innocent reason for putting arsenic into that bottle of Valentine's Meat Juice) that she had caused that death. There was, in this Maybrick case, *direct proof* that a bottle of Valentine's Meat Juice (of which the deceased had not partaken since it had been in her hands) had been taken by Mrs. Maybrick from the bedroom into the dressing-room on the night of Thursday, the 9th of May, and that she had replaced it in the bedroom, and there was also *direct proof* that in a bottle of Valentine's Meat Juice, which it was alleged Michael Maybrick took out of that bedroom, half a grain of "arsenic in solution" had been found by Mr. Davies, the analyst. Valentine's Meat Juice.

This Valentine's Meat Juice incident is the only evidence which it could be suggested had shown any *direct* connection between Mrs. Maybrick and the possession of arsenic (except the fly-papers, which, however, it was proved by the absence of fibre was not the source of the poison found in the Meat Juice), and, as I have said, as James Maybrick did not take anything out of that bottle after it had been in her hands, even that did not connect Mrs. Maybrick *directly* with the one-tenth of a grain of arsenic which was found in the body (not at the post mortem, but) after exhumation.

It is a necessity—it is essential, that there should be no flaw of any kind whatever in the *identification* of the bottle which Mrs. Maybrick on that Thursday night took into that dressing-room as being the same bottle as was handed to Mr. Davies to analyse. Flaw as to identity of bottle.

Valentine's Meat Juice is a liquid much like brown sherry in appearance; it is manufactured in America, and is sold in little onion-shaped bottles of a dark-brown colour, and which contain about nine teaspoonsful of the liquid, or about 1,100 grains of liquid. All the bottles are exactly alike in appearance.

There must be no assumption—there must be *direct proof* that the bottle handed to the analyst was the *identical* bottle which was in Mrs. Maybrick's hands, and that there had been no substitution of one bottle for another. It must be proved by *direct proof*, not only that it was the *identical* bottle, but that it was in the same condition as when it was in Mrs. Maybrick's hands.

We know that this was not the only bottle of Valentine's Meat Juice there, because Dr. Humphreys in his evidence had said— Dr. Humphreys.

"That on his visiting James Maybrick, on Monday, the 6th of May, some of the Valentine's Meat Extract had been taken, but it did not agree with the deceased, and it made him vomit. I do not remember seeing him vomiting in my presence, but he complained of it. I told the deceased to stop the Valentine's Meat Juice, and said I was not surprised at its making Mr. Maybrick sick, as it often made many people sick. I also stopped the medicine—prussic

Valentine's Meat Juice.

acid—and gave the deceased some arsenic (it was Fowler's solution), and ordered him to take Paine's Beef Tea, some chicken broath, Neave's Food, and some milk and water."

So it is clear that there was, at all events, one bottle of Valentine's Meat Juice there which had been opened and partly used, and Dr. Humphreys had ordered him to discontinue taking it. Now, what became of that half-used bottle? It is clear that that was not the bottle which Mrs. Maybrick took into the dressing-room on the Thursday night, because Nurse Gore had, only an hour before, opened it as a fresh unused bottle.

A missing bottle.

Now, what became of that half-used bottle of Valentine's Meat Juice which Dr. Humphrey's had ordered James Maybrick to stop taking, on Monday, because it made him sick?

No evidence was given as to what became of that bottle, and it must therefore be assumed that it was there, and that there is one bottle at all events missing somewhere.

Edwin Maybrick.

But there is a remarkable circumstance to be observed about this matter, and that is that Edwin Maybrick—notwithstanding Dr. Humphreys' orders, on Monday, that James Maybrick was not to take Valentine's Meat Juice, because it made him sick—had taken it upon himself on Wednesday night, when he and Michael Maybrick usurped authority in that house, and had given special instructions to the nurses to prevent Mrs. Maybrick from attending to her husband at all, should have handed to Nurse Gore a new and unopened bottle of Valentine's Meat Juice, without asking Dr. Humphreys whether the patient was to have it! and it is a still more remarkable circumstance that Edwin Maybrick, having given this new bottle of Valentine's Meat Juice on the Wednesday night, that Nurse Gore should (directly she arrived on Thursday night) have opened that fresh bottle and given some of it to the patient, without any authority from Dr. Humphreys! It is surely not usual for the nurses at the Nurses' Institute at Liverpool to take it upon themselves to open a fresh bottle of Valentine's Meat Juice and give it to a patient, without orders from the doctor! If the nurses sent out by that Institute take it upon themselves to do that sort of thing they are rather dangerous persons to have about a house.

Dr. Humphreys had on Monday told this man to discontinue taking Valentine's Meat Juice because it made him sick, and had ordered him Neave's Food, which he was taking, and which Nurse Gore had herself given him on Wednesday night, and yet on this Thursday night, without any authority from Dr. Humphreys, Nurse Gore took upon herself to open a new bottle of Valentine's Meat Juice which had been given her by Edwin Maybrick, and notwithstanding Mrs. Maybrick's protest that her husband had

had Valentine's Meat Juice before and it always made him sick, Nurse Gore had had the assurance to give it to the patient! Valentine's Meat Juice.

This is very remarkable conduct on the part of Nurse Gore!

Again it must be observed that between the time (twelve o'clock on Thursday night the 9th) when the bottle of Valentine's Meat Juice was in Mrs. Maybrick's hands, and 4-30 p.m. on Friday afternoon, when Michael Maybrick gave it to Dr. Carter to be analysed, it had been in the hands of three unfriendly persons—Nurse Gore, Nurse Callery, and Michael Maybrick, and the following is their evidence about the matter, given at the Inquest on the 28th of May, only 19 days afterwards, and when all that happened was fresh in their minds in all its details:—

At the Inquest Nurse Gore said:— Nurse Gore.

"I was relieved by Nurse Callery at half-past eleven o'clock in the forenoon of Thursday the 9th, and she remained in charge until I returned at eleven o'clock at night of the 9th. I went to the sick room of Mr. Maybrick. Mrs. Maybrick was in the room shortly afterwards. Nurse Callery left upon my relieving her. I obtained a bottle of Valentine's Meat Juice soon after eleven o'clock. I got it from the landing. *It appeared to be unopened and perfectly new.* I had seen the bottle before. *Mr. Edwin Maybrick gave it to me the night previously.* I have no reason to think the bottle had been tampered with. *I gave Mr. Maybrick two teaspoonsful of the food in water.* I tasted it to see if it was all right. *I put the bottle on a small table standing in the bedroom window.* Mrs. Maybrick was present. She said Mr. Maybrick had had Valentine's Meat Food before, but it always made him sick. I did not observe any ill effects follow the food I gave him. After midnight I gave him champagne, and he went to sleep for three-quarters of an hour. Mrs. Maybrick was in the room during this time. A few minutes after twelve o'clock Mrs. Maybrick, in passing to the dressing-room, picked up the bottle of Valentine's meat juice from the table, and took it into the dressing-room and closed the door. She remained there about two minutes. Then she came back and *stood by the small window table*, and told me to get some ice to put into the water to bathe Mr. Maybrick's head. I said the patient was sleeping and I would do it when he awoke. *Whilst she was talking to me she put the bottle of meat juice back on the table.* She held the bottle by her side, and appeared to have the hand holding it in her pocket. She appeared to conceal her action from my view. She raised her right hand and *replaced the bottle on the table while she was talking to me.*"

The Coroner: Did you give Mr. Maybrick any more of that meat juice?

A. No.

Q. Before Mr. Maybrick awoke did Mrs. Maybrick tell you to be in the dressing-room.

A. Yes.

Q. After he awoke did Mrs. Maybrick come from the dressing-room into the bedroom where he was?

A. Yes.

Q. Did she do anything with the bottle of meat juice?

A. *She moved it from the small table to the washstand.*

Q. *Did you go off duty at 11 o'clock next morning, and did you leave the bottle of meat juice on the washstand where Mrs. Maybrick had placed it?* Washstand.

A. *Yes.*

Q. Did you notice anything particular about him?

A. He awoke with a choking sensation in his throat.

Valentine's Meat Juice.

Q. What time was that?
A. I don't know exactly what time he awoke.
Mr. Pickford: It would appear to be about 1 o'clock.

Examination continued :—

"When I went off duty next morning I made a statement to Mr. Michael Maybrick, and later in the day I saw him remove the bottle of meat juice from the washstand where Mrs. Maybrick had left it. I went to Liverpool on being relieved, and returned by the 1-35 p.m. train. *Mr. Michael Maybrick took the meat juice downstairs.* I gave Mr. Maybrick *brandy* on the Friday morning when I was nursing him."

The Coroner: *Was the bottle of meat juice similar to this?* [Produced.]

A. *It is the same kind of bottle, but I had only taken two teaspoonsful out of a full bottle.*

By Superintendent Bryning: If I had gone for the ice I should have had to leave the bedroom, and I was instructed not to do that.

By Mr. Pickford: I have no reason to think that any person but myself gave the patient anything during my watch—that is, as far as I know. In my opinion the meat juice had not the appearance of being opened when I saw it. The patient was not considered hopeless during my term of duty. *I could and did see clearly what Mrs. Maybrick did with the bottle.*

Q. *When Mrs. Maybrick pushed the door through it was not absolutely shut or latched?*

A. *It was closed.*

By the Foreman: When the bottle came back from the dressing-room I am unable to say whether the quantity had been increased or not.

Now, in following this evidence of Nurse Gore's—given at the Inquest, when the details of the incidents were freshest in her mind—the history of the particular bottle which was in Mrs. Maybrick's hands is very distinctly traced. Nurse Gore was the only person who saw it in Mrs. Maybrick's hands. It was a new bottle, which had not been previously opened, and which Edwin Maybrick had given to Nurse Gore. Nurse Gore brought it into the room from the landing, opened it herself, and gave James Maybrick, at 11 o'clock at night, *two teaspoonsful* out of it—that would be less than a quarter of the bottle (a bottle of Valentine's Meat Juice contains about nine teaspoonsful)—and having done so, she placed it on the small table. At about 12 o'clock Mrs. Maybrick took that bottle off that small table, and took it into the dressing-room, and returned back into the bedroom with it, in a way which seemed "suspicious" to this "suspecting" Nurse Gore. But Nurse Gore says at the Inquest:—

"I could and did see clearly what Mrs. Maybrick did with the bottle."

From this it appears that, the patient being asleep, Mrs. Maybrick, having left that bottle on the *small table standing in the bedroom window*, went into the dressing-room, and when he woke up about an hour afterwards, making a choking noise, Mrs. Maybrick

came back into the bedroom and Nurse Gore saw Mrs. Maybrick move that bottle off the *small table* to the *washstand;* and, as Nurse Gore said, when she went off duty the next morning, Friday, at 11 o'clock, she left— Valentine's Meat Juice.

"the bottle of meat juice on the *washstand*, where Mrs. Maybrick had placed it,"

and that, having placed it on the *washstand*, Mrs. Maybrick made no attempt either to give him any of it or to ask Nurse Gore to do so—that she simply left it there. Now this is odd, because if Mrs. Maybrick wanted to poison her husband with this meat juice, why did she not take good care that he did get some of it?

Nurse Gore being secretly warned to watch Mrs. Maybrick's actions, and take care that she did not tamper with anything he took, had her "suspicions" aroused by what Mrs. Maybrick did with that bottle, kept her eye on it, did not give the patient anything out of it, and when she went off duty "left it on the *washstand* where Mrs. Maybrick had placed it."

So far then there is *direct proof* that the bottle on the *washstand* was the bottle which Mrs. Maybrick took into the dressing-room:

Dr. Humphreys, it will be remembered, called to see the patient on Friday morning, but this "suspecting" Nurse Gore did not tell him anything about it, and what is a still more remarkable, indeed, "suspicious circumstance" in the conduct of Nurse Gore, is that she said (as appears in Michael's evidence) nothing about it to Michael Maybrick when she went off duty at 11 o'clock on Friday morning, but told him about a bottle of brandy instead! which she had also "suspected" that Mrs. Maybrick had poisoned, but in which no poison was found. Dr. Humphreys.

Now it is very odd that Nurse Gore's suspicions having been aroused by Mrs. Maybrick's conduct about the bottle of Valentine's Meat Juice, she should have thus left it—

"on the *washstand* where Mrs. Maybrick had placed it,"

and that she did not tell Dr. Humphreys about it; and it is still more odd that she told Michael Maybrick nothing about it, but told him about a bottle of brandy instead! Michael Maybrick.

Nurse Gore, however, left it—

"on the *washstand*, where Mrs. Maybrick had placed it."

It was a dangerous thing for Nurse Gore to do (as she "suspected" Mrs. Maybrick had poisoned it), to leave it on that *washstand* and go away, when she was relieved by Nurse Callery, but she says she did! She went down to Liverpool, and returned to Battlecrease at about two o'clock in the afternoon, and then for the first time told Michael about it, and, as she said—

Valentine's Meat Juice.

"I saw him remove the bottle of meat juice *from the washstand* where Mrs. Maybrick had left it. Mr. Michael Maybrick took the meat juice downstairs."

Mr. Michael Maybrick thought it too dangerous to leave on the *washstand*, where Mrs. Maybrick had placed it, and took it downstairs!

It will be observed that Nurse Gore said nothing in her evidence about having even mentioned the matter to Nurse Callery, who relieved her. Nurse Gore was the only person who saw any bottle of Valentine's Meat Juice in Mrs. Maybrick's hands, and she thought Mrs. Maybrick had handled it in a suspicious way, though she—

"could and did see clearly what Mrs. Maybrick did with the bottle,"

when she returned with it into the bedroom. And when she was relieved by Nurse Callery at 11 o'clock, she left the bottle—

"on the *washstand* where Mrs. Maybrick had placed it."

And later on in the afternoon, after she had been to Liverpool, she saw—

"Michael Maybrick remove the bottle of meat juice from the washstand where Mrs. Maybrick had left it, and take it downstairs."

Nurse Gore's evidence earmarks the bottle which was in Mrs. Maybrick's hands, and I want my readers to keep their eyes on that bottle on the *washstand*.

We will now, keeping our eye on the bottle left on *the washstand* at 11 o'clock on Friday morning by Nurse Gore, take Nurse Callery's evidence, who relieved Nurse Gore.

Nurse Callery.

At the Inquest Nurse Callery said—

"I am a nurse in the service of the Nurses' Institution, Dover Street, Liverpool. I was on duty from half-past eleven o'clock in the morning till eleven o'clock at night on the 9th instant at Mr. Maybrick's house. All the food, solid and liquid, was given to Mr. Maybrick by me during that time. Next day, Friday, I was on duty from 11 a.m. till 4-30 p.m. On Friday morning Nurse Gore said something to me. *My attention was called by her to a bottle of Valentine's Meat Juice which was on a table in Mr. Maybrick's room. I took a sample* out of the meat juice and put it into an ordinary medicine bottle, which I got from Nurse Gore. *I threw the sample away after Nurse Gore coming back from the Home on the Friday at two o'clock.* Mrs. Maybrick was in the room nearly all the time I was there.

Table.

By Superintendent Bryning: *I don't know what became of the bottle of meat juice.* I saw Mr. Michael Maybrick in the room before going off duty at 4-50 p.m. on Friday, *but did not see him take the meat juice away. He was in the room the greater part of the morning from eleven o'clock.*

Cross-examined:—

Mr. Pickford: When the nurses relieve each other they always meet in the room at the change of watch?

A. During my presence in the room nobody gave the deceased anything with the exception of a small piece of ice. I also administered all the medicines. The ice was taken from the sponge bowl in the bedroom. Valentine's Meat Juice.

The Foreman: *What was your motive in taking the sample?* Sample taken.

A. *I was asked to do it by Nurse Gore.*

Q. *Having taken it, why did you throw it away?*

A. *Because Nurse Gore had been to the Lady Superintendent, and she had requested Nurse Gore not to take a sample.*

From this evidence of Nurse Callery's it appears then that Nurse Gore did call her attention to a bottle of Valentine's Meat Juice, not to the bottle on the *washstand*, where Mrs. Maybrick had left it, but to another bottle—

"which was on a *table* in Mr. Maybrick's room,"

and that Nurse Gore told her to take *a sample* of the bottle of Valentine's Meat Juice which was on the *table*, and put it into an ordinary medicine bottle, which Nurse Gore gave her for the purpose. It is very odd that Nurse Gore, if she thought a *sample* ought to have been taken, did not take it herself, and that she should draw Nurse Callery's attention to a bottle on the *table* instead of to the bottle which she had left—

"on the *washstand*, where Mrs. Maybrick had left it."

And it is very odd that having done this Nurse Gore should go down to the Nurses' Institute, and, on her return in the afternoon should, under orders from the Superintendent, direct Nurse Callery to *throw away the sample* of this Valentine's Meat Juice which she "suspected" Mrs. Maybrick had poisoned.

If the Matron of the Nurses' Institute did give any such orders, did attempt thus to thwart the ends of justice by throwing away part of some food which it was "suspected" had been poisoned, she has placed herself in a position which is at any rate a matter for observation. Nurses' Institute.

It is very odd that Nurse Gore did not in her evidence say anything about all this.

It is very odd that Nurse Callery did not know what became of that bottle of Valentine's Meat Juice on the *table*, of which she had, under the directions of Nurse Gore, taken a *sample* in the morning, and which *sample* she had, under the directions of Nurse Gore, at the request of the Superintendent of the Institute, thrown away in the afternoon. One would have thought her special attention would have been kept on that bottle. However, she says that, although she stayed in the room on duty up till 4-50 p.m., *she did not see Michael Maybrick take it away.* Table.

We will now see what Michael Maybrick says about it. Michael Maybrick.

At the Inquest Mr. Michael Maybrick's evidence was:—

Valentine's Meat Juice.

Q. On Friday, 10th May, Did you see Nurse Gore?
A. *I did, about 11 o'clock.*
Q. Was she coming off duty at the time?
A. She was.
Q. *Did she tell you anything?*
A. Yes, she did.
Q. *In consequence of what she told you, what did you do?*

Brandy.

A. *I removed a bottle of brandy, about half full.*
Q. Where was it at the time you removed it?
A. It was in my brother's bedroom.
Q. Had it been placed there for use?
A. Yes; for my brother's use.
Q. For your sick brother?
A. Yes.
Q. *Can you say where in your brother's bedroom?*

Little table.

A. *It was standing on a little table by the bedroom window, where the medicines were.*
Q. About one o'clock the same day had you been to Liverpool?
A. No.
Q. About one o'clock the same day, had Nurse Gore been out of the house. I mean between eleven o'clock and one o'clock?
A. Yes.
Q. Do you happen to know where she had been?
A. I think to see the matron, but I really do not know.
Q. She had been from the house?
A. *Yes, she came back about one o'clock, and asked to see me.*
Q. *In consequence of what she told you, did you go anywhere?*
A. *I did.*
Q. *Where?*
A. *Into my brother's bedroom.*
Q. *And what did you do?*
A. *I took possession of a little bottle of Valentine's Meat Juice, I cannot identify the bottle* [produced], *but it is a similar one. The bottle I saw had a little more in it.*
The Coroner: *Where did you find the bottle.*

Table—mixed with other bottles.

A. *I found it on the table, mixed up with several other bottles.*
Q. Was the bottle corked?
A. It was corked.
Q. But not sealed.
A. It was a bottle in use.
Q. *Was the bottle full or not?*
A. *It was about half full.*
Q. Can you tell by the appearance of the cork if it had been drawn?
A. Oh, yes.
Superintendent Bryning: To whom did you give the *bottle of brandy* when you took possession of it?
A. I gave it to Dr. Carter when he arrived at four o'clock the same day.
The Coroner: And this at the same time—this Valentine's Meat Extract bottle?
A. Yes; I gave them into the possession of Dr. Carter.
Q. At his house or at Battlecrease?
A. At Battlecrease.
Q. When you gave the meat extract to Dr. Carter, was it in the same condition in which you had taken possession of it?
A. It was in the same condition.

Q. After taking possession of the meat extract, what did you do.
A. I took a walk round the garden.
Q. And afterwards, did you return to the deceased's bedroom?
A. I did.
Q. Whom did you find in the bedroom on returning?
A. I found Nurse Callery and Mrs. James Maybrick.

According to Michael's evidence then, the bottle which he took was not the one from—

"the washstand, where Mrs. Maybrick left it,"

He says:—

"I took possession of a little bottle of Valentine's Meat Juice. I cannot identify the bottle [produced], but it is a similar one."

And then, in reply to the Coroner:—

The Coroner: Where did you find the bottle?
A. *I found it on the table, mixed up with several other bottles,*

and Michael Maybrick had just before spoken about the table in a way which showed that the whole scene was vividly before his eyes when he gave that evidence on the 28th of May. He has spoken of it as "*a little table by the bedroom window, where the medicines were.*" Moreover, it must be observed, Michael Maybrick gave his evidence before Nurse Gore gave hers about the bottle on the *washstand!*

Now, it is absolutely clear, from comparing this evidence with Nurse Gore's, that Michael Maybrick and Nurse Gore contradict each other as to where Michael took the bottle from, and also that if Michael Maybrick is to be believed—and the Coroner put the question very pointedly to him, and he was very clear about it, even to the detail of its being mixed up with several other bottles—I say it is absolutely clear that the bottle of Valentine's Meat Juice which he took possession of and handed to Dr. Carter is not the same bottle which Nurse Gore saw Mrs. Maybrick place on the *washstand*, and which she left—.

Michael Maybrick and Nurse Gore contradict each other.

"on the *washstand* where Mrs. Maybrick left it,"

and which she said (contradicting Michael) that she saw—

"Mr. Michael Maybrick take from the *washstand* where Mrs. Maybrick left it."

As I have said, there must be no flaw in the *identity* of the bottle which was handed to the analyst and the one which was in Mrs. Maybrick's hands, and I think that my readers will say that it is impossible to conceive a greater flaw in any evidence of identity than is shown by the evidence of these witnesses at the

Valentine's Meat Juice.

Inquest, when their minds were freshest, as to their respective parts in this incident.

I have now to direct the attention of my readers to some other "suspicious circumstances," and that is that when Michael and Nurse Callery came to give their evidence again at the Magisterial Inquiry and the Trial, they dropped all they had sworn to at the Inquest about the bottle on the *table*, and followed Nurse Gore's story about the *washstand*. Their memories could not possibly have been so fresh as they were at the Inquest, and their identifying the bottle in this way is a very "suspicious circumstance!"

I will now set forth the versions these witnesses gave on the other occasions when they were examined about it—viz., at the Magisterial Inquiry and the Trial.

Michael Maybrick.

At the Magisterial Inquiry, Michael Maybrick's evidence was:

"On Friday, May 10th, at about eleven o'clock, I saw Nurse Gore, who had just come off duty. She made a communication to me, in consequence of which I changed a bottle containing brandy in my brother's room. The bottle was half full, and I took it to the wine cellar and replaced it with a new bottle. I saw Nurse Gore again, to the best of my recollection, between one and two o'clock, and she then made another communication to me. In consequence I went into the bedroom and took possession of a bottle of Valentine's Meat Extract, similar to the bottle produced, but with more in it. *It was standing on the washstand. It was amongst some other bottles*, and was corked. I should think it would be about half full. I put the bottle in my pocket, and gave it to Dr. Carter upon his arrival two hours afterwards. I gave it to Dr. Carter in the same condition as that in which I found it."

Washstand—amongst other bottles.

On this occasion it will be seen that Michael now changed front, and adapts his evidence to Nurse Gore's at the Inquest, and says he found the bottle on the *washstand*, though he still says that it was *among other bottles*. I must leave my readers to make their own comment on this, and refer them back to the unmistakable evidence Michael gave at the Inquest (before Nurse Gore had given hers) that he had found it on a *little table in the window, mixed up with several other bottles!*

Nurse Gore.

At the Magisterial Inquiry Nurse Gore's evidence was:—

"On Wednesday evening I got the bottle of Valentine's Meat Juice. Edwin Maybrick supplied me with it. I did not open it until Thursday night, at about eleven o'clock, when I came on duty. I gave Mr. Maybrick some of the meat juice, and placed the bottle containing the remainder on a small table in the bedroom. Mrs. Maybrick saw me put it down, and observed that her husband had had Valentine's Meat Juice before, and it had always made him sick. He was not sick after taking the meat juice I gave to him. At a few minutes after midnight Mrs. Maybrick, in passing through the bedroom, picked up the bottle of meat juice from the table and took it into the dressing-room. She pushed the door to conceal her movements. She was there about two minutes, when she returned to the bedroom, and wished me to go outside to get some ice to put into some water to bathe Mr. Maybrick's head. I said the patient was sleeping, and that I would get the ice when he awoke. Whilst she was talking to me she raised her hand and replaced the

bottle of meat juice upon the table. She did not do this openly. She attempted to conceal her movements. I did not give Mr. Maybrick any more food from the bottle. Mrs. Maybrick then went into the dressing-room to lie down. Mr. Maybrick slept for about three-quarters of an hour, and when he awoke Mrs. Maybrick returned to the room. She moved the bottle of meat juice from the small table in the window where it had been, and *placed it on the washstand. When I went off duty I left the bottle in the place where Mrs. Maybrick had put it.* I went off duty on Friday morning. At two o'clock on the same day I made a communication to Mr. Michael Maybrick, and *saw him remove the bottle of meat juice from the room.* Valentine's Meat Juice. Washstand.

Q. During the time you were on duty none of the Valentine's meat juice was given to the patient after Mrs. Maybrick took it out of the room?

A. No.

Q. Nurse Callery relieved you; she came into the room before you left?

A. Yes.

Q. That is the invariable custom of nurses when relieving each other?

A. Yes.

Q. And was the bottle taken away out of the room during Nurse Callery's term of duty?

A. Yes.

Q. *And you saw Mr. Michael Maybrick take it away?*

A. *Yes; I was there at the time.* Mrs. Maybrick did not shut the dressing-room door; she pushed it to, that is all. It was not quite shut.

Q. Did she ever say anything to you about the bottle of meat juice after the time she took it out and brought it back?

A. Never at any time.

Q. Did she ever take the meat juice herself when you were in the house—I don't mean that bottle?

A. I never knew her to take any or to ask for any.

At the Magisterial Inquiry, Nurse Callery's evidence was :— Nurse Callery.

"Nurse Gore relieved me at eleven o'clock on that night. I commenced duty at 11 a.m. on Friday, and remained until 4-30 p.m. Nurse Gore made a communication to me, and *drew my attention to a bottle of meat juice on the washstand.* At 12 o'clock I took a sample out of the bottle in a clean medicine glass, and threw it away. I took the sample because Nurse Gore asked me to take it. I gave Mr. Maybrick his medicine during the day." Washstand.

On this occasion Nurse Callery, (like Michael Maybrick,) drops the *table* as to the place where Nurse Gore directed her attention to a bottle of Valentine's Meat Juice, and adopts the *washstand*! Michael Maybrick.

At the Trial Michael Maybrick's evidence was :—

"I was at Battlecrease on the 10th and had *a conversation with Nurse Gore, in consequence of which* I went into my brother's bedroom and took away *half a bottle of brandy.* I subsequently took some Valentine's Meat Extract from the *washstand* in the bedroom. The bottle was a *little more than half full.* I gave it to Dr. Carter, who came about a quarter past four o'clock. It was in the same condition as when I received it." Washstand.

Cross-examined :—

Q. The first matter, I think—I wish to follow this out in order that there may be no misapprehension—the first matter your attention was called to was by Nurse Gore in reference to a bottle of brandy?

A. Yes.

Q. On Friday, was it not?

A. On Friday morning.

Valentine's Meat Juice.

Q. In consequence of what she said you were led to have the bottle, which was apparently half full of brandy, removed?
A. Yes.
Q. And you handed it over for examination afterwards?
A. Not then; I locked it up first.
Q. *That was on the Friday?*
A. *Yes.*
Q. To whom did you hand it?
A. I locked it up at once, *but afterwards I gave it to Inspector Baxendale.*
Q. You are aware that from that bottle your brother received nothing after it was taken care of?
A. Nothing from that bottle.
Q. I am speaking of that bottle?
A. No; not from that bottle.
Q. You subsequently handed it over to Dr. Carter on the Friday?
A. Yes.
Q. And it was subsequently found to be harmless?
A. Yes.
Q. The next thing was a small bottle of Valentine's Meat Extract, to which reference was made by Nurse Gore?
A. Yes.
Q. And in consequence of which you took charge of it?
A. Yes.
Q. After Nurse Callery [? Gore] called your attention to it, I take it that nothing was administered to your brother from that bottle?
A. Yes.

At the Trial, again then, Michael Maybrick drops his story at the Inquest of having taken the Valentine's Meat Juice from the *little table in the window*, and says he took it from the *washstand!!* but this time he drops also all about its being *mixed up with several other bottles!!*

Nurse Gore.

At the trial Nurse Gore said—

"I left at eleven o'clock in the morning, and came back at eleven o'clock on Thursday night. Nurse Callery was there, and Mrs. Maybrick came in soon afterward."
Q. Was it then that you gave the glycerine and borax?
A. I think it was soon afterward.
Q. Before midnight did you give him anything?
A. I gave Mr. Maybrick some of Valentine's Meat Juice.
Q. About what time was that?
A. A few minutes after eleven.
Q. Where did you get it?
A. Mr. Edwin Maybrick had given me the bottle on Wednesday night.
Q. Was it a fresh bottle at that time?
A. Yes, it was a bottle similar to this.
Q. Well, on Thursday night, when you came back, did you open the fresh bottle; did you take the cork out?
A. I took off the covering of the bottle.
Q. How did you give the meat juice to Mr. Maybrick?
A. I gave one or two spoonsfuls in water.
Q. Did Mrs. Maybrick say anything?
A. She said Mr. Maybrick had had the meat juice before, and it had made him sick. I made no remark upon that.
Q. Was he at all sick after taking the meat juice you gave him?
A. No.

Valentine's Meat Juice.

Q. When was he sick next?
A. He was sick twice in the night or the early part of the morning.
Q. Did you give him anything?
A. Yes, I gave him champagne every quarter of an hour.
Q. You found that open?
A. Yes.
Q. Then did Mr. Maybrick go to sleep that night?
A. Yes, he slept for about three-quarters of an hour. I was left in the bedroom then.
Q. Did any one else come in?
A. Yes, Mrs. Maybrick came in.
Q. Now tell us, in your own way, what happened at that time, between the Thursday night and the Friday morning?
A. Mrs. Maybrick passed through the bedroom, and in doing so she took the bottle from the chest of drawers.
Q. Is that the same bottle you opened and made the extract for Mr. Maybrick?
A. Yes.
Q. Now what happened after that?
A. She went into the dressing-room and remained there about two minutes.
Q. How was the door, was it open or shut at this time?
A. It was not latched, it was pushed to.
Q. What did she do then?
A. She brought it back into the room, and wished me to go for some ice.
Q. How do you know she wished you to do so?
A. She expressed it.
Q. What did she say?
A. She told me to get some ice to put in the water to bathe Mr. Maybrick's head.
Q. Did you see what she did with the bottle?
A. She raised her hand and put it on the table.
Q. On what table?
A. On the small table in the room.
Q. How did she do it?
A. She had her hand by her side, and whilst speaking to me, raised it and put the bottle on the table.
Q. So that you could see her?
A. I did see.
Q. Just show us how it was done?
[Witness took a bottle, and, covering it with her hand, placed it upon the desk before her.]
Q. Did she cover it with her hand?
A. I cannot say.
Q. She had it in her hand, and put it on the table while speaking to you?
A. Yes.
Q. Did she then tell you to get some ice?
A. Yes.
Q. Where was the ice kept?
A. In the lavatory.
Q. Where was the lavatory?
A. On the landing.
Q. You had to go out of the room to get it?
A. Yes.
Q. What did you say to that?
A. I said to her that the patient was asleep; I could go when he awoke.
Q. What happened next?
A. She went to lie down in the dressing-room.

Valentine's Meat Juice.

Q. When did she come back?
A. When the patient woke up.
Q. Why?
A. He woke up with a choking sensation in his throat, and Mrs. Maybrick came into the room and moved the bottle of meat juice from the table on to the washhand stand.
Q. You say he made a noise as if he was choking?
A. Yes.
Q. *What was kept on the washhand stand?*
A. *The ordinary basins and jugs.*
Q. What made the patient waken?
A. I suppose it was the choking.
Q. What did you do? Did you give him any ice?
A. No, sir, I did not.
Q. Did you get it during this time?
A. Yes.
Q. And what happened to him during the night? Did you make any use of it?
A. No, sir.
Q. You went off duty at eleven o'clock next morning, didn't you?
A. Yes.
Q. When you went off duty Nurse Callery came on duty?
A. Yes.
Q. Did you mention to her anything about this?
A. Yes.
Q. You gave her certain instructions and orders about it?
A. Yes, sir.
Q. When did you next see anything about this table?
A. I came at eleven the same night.
Q. When you left on Friday morning at eleven o'clock, did you come back again at eleven o'clock at night?
A. I did not leave the house all the time.
Q. Did you, besides making a statement to Nurse Callery, make a statement to Mr. Michael Maybrick about this bottle?
A. Yes, sir.
Q. And did you see what became of it?
A. Yes.
Q. What?
A. He took it away.
Q. What time would that be?
A. Between half-past one and two o'clock.
Q. I do not know whether I asked you whether you gave your patient some of the Valentine's Meat Juice?
A. Yes.
Q. Did you take the label off the cork, and then remove the cork?
A. Yes.
Q. His Lordship: Is this the bottle she saw Mrs. Maybrick handle?
Mr. Addison: Yes, my lord.
Q. Continuing: Did you yourself taste it?
A. Yes, I mixed it with water, and tasted it after I had mixed it.
Q. What did you give it to him from?
A. A medicine glass.
Q. And then you put it down where?
A. On the table.
Q. And it was from that table that you saw Mrs. Maybrick take it at twenty minutes past twelve?
A. Yes.

Cross-examined :—

Valentine's Meat Juice.

Q. To the best of your opinion, observation, and knowledge, Miss Gore, was anything injurious given to the patient during any of your watches ?
A. Not that I am aware of.
Q. To the best of your opinion was there ?
A. No.
Q. Now, I wish to speak about this bottle of meat juice. Was it a fresh bottle ?
A. Yes.
Q. Is there a capsule upon it, or a seal, or what ?
A. A piece of white kid.
Q. And did you remove it ?
A. Yes.
Q. And underneath that is there a cork with a seal ?
A. No seal.
Q. A cork ?
A. Yes.
Q. Did you see whether the bottle of meat juice when you opened it was a fresh and untampered bottle ?
A. As far as I could tell.
Q. The capsule fitted down tight round it in the ordinary way ?
A. Yes.
Q. And as far as you could judge it was a fresh and previously unopened bottle ?
A. Yes.
Q. I understand you to say that when you came in and got the meat juice you put it in water to reduce it to the proper strength, and tasted it to satisfy yourself that it was all right ?
A. Yes.
Q. Now you have told of seeing the bottle removed, let me see if I have rightly followed you. The bottle was taken away by Mrs. Maybrick to the next room, the door of which was put to and not closed, and then she afterwards returned—in what time ?
A. About two or three minutes.
Q. Afterwards coming back and placing it on the table ?
A. Yes.
Q. Just tell me, that round table was standing near the window of the bedroom ?
A. Yes.
Q. Then I understand you to say it was afterwards moved to the wash-stand ; was it not after an interval ?
A. Yes.
Q. Your attention was directed to it ?
A. Yes.
Q. And it perhaps would not be too much to say that your suspicions were aroused ?
A. Yes.
Q. Very well. Your suspicions being aroused you took care not to give it to the patient ?
A. Yes.
Q. You are clear on that point ?
A. Yes, not by me.
Q. Nor by any one else so far as you remember ?
A. No.
Q. On that you are clear ?
A. Yes.

Valentine's Meat Juice.

Q. So that it stands thus—You are positive that during your watch nothing was given from the bottle?

A. No.

Q. Now, as regards the watch of the other nurses. You have no reason to suppose anything was given during that time from this bottle?

A. No.

Q. Is it not a fact that before you left your watch after that incident, you mentioned the circumstance to the nurse who succeeded you, so as to put her on her guard?

A. Yes.

The Judge: I understood you to say that you had put out some stock in water, tasted it yourself, and then you gave him some?

A. Yes.

Sir Charles Russell: That was before this incident, my lord, and before Mrs. Maybrick took it in?

A. Yes.

Sir Charles Russell: My friend will agree with me in that.

Mr. Addison: Certainly, Sir Charles.

The Judge: Who was it?

Sir Charles Russell: Let us go back on that, because I want to make it quite clear. (To witness): You recollect telling us that you got a fresh bottle, apparently untouched; you took the capsule off, then you took the cork out; then you took some food out, and reduced it to the proper strength in water?

A. Yes.

Q. Then you gave it to your patient?

A. Yes.

Q. What time was that?

A. A minute or two after eleven o'clock on Thursday night.

Q. Then, having given a portion of it, I suppose you corked the bottle—put the cork in it—and again placed the bottle on the table?

A. Yes.

Q. How soon after was it that you saw Mrs. Maybrick remove the bottle for a moment when she went into the next room?

A. About twenty minutes past twelve.

Q. And after you had given him the first lot out of it.

A. Yes.

Q. I think it is quite clear, from what you said, but I want to put it beyond any doubt, that the person to whom the communication you referred to was made was Nurse Callery?

A. Yes.

Re-examined:—

Q. You said something about your suspicions. What was it that you noticed that excited your suspicion?

Sir Charles Russell: I really must object to that question. She has told us what she saw.

Mr. Addison: My friend has cross-examined about the suspicions. [Continuing] The bottle of meat juice was taken away out of the room and brought back. Now what made you suspicious?

Sir Charles Russell: Well, now, really, Mr. Addison, I can't allow that.

Mr. Addison: I am very sorry, but she has told us what she saw.

His Lordship [to witness]: Her manner excited suspicion in taking away the Valentine's Meat Juice. What was in her manner?

A. She did not take it openly.

Q. How did she take it?

A. She took it from the table in her left hand, and covered it by her right hand. Valentine's Meat Juice.

Mr. Addison: Yes, and then?

A. She brought it back with her right hand on my other side.

His Lordship: Was it in such a position when she brought it back that you could see it openly?

A. I could see her put it on the table, but she had it in her hand by her side.

Michael Maybrick had said at the Inquest that he took the Valentine's Meat Juice from the *little table* in the window, *mixed up with several bottles*, and at the Magisterial Inquiry from the *washstand*, where it was among other bottles; but Nurse Gore says, in reply to the question—

Q. What was kept on the washstand?
A. *The ordinary basins and jugs.*

At the Trial Nurse Callery's evidence was:—

Q. Nurse Gore relieved you when you left on Thursday night at eleven o'clock, and she remained from 11 p.m. that night till 11 a.m. on Friday?
A. Yes.
Q. You were not in the room during those twelve hours?
A. No.
Q. You came on duty about eleven o'clock on Friday morning, the 10th?
A. Yes.
Q. When you came on duty in the morning, had Nurse Gore a conversation with you with reference to a bottle of Valentine's Meat Juice?
A. Yes.
Q. Was the bottle pointed out to you?
A. Yes.
Q. *Where was it then?*
A. *On the washhand stand.*
Q. Was any of the Valentine's Meat Juice given to the patient during the day?
A. No.
Q. *Did you open it at all, or put anything in it?*
A. *No.*
Q. Did it remain there till Mr. Michael Maybrick took possession of it?
A, Yes.
Q. What time did Mr. Michael Maybrick take it?
A. I don't know.
Q. *Did you take a sample of it?*
A. *I did.*
Q. *Why did you take that sample?*
A. *Because Nurse Gore asked me.*
Q. *What did you do with it?*
A. *I threw it away.*
Q. *Where?*
A. *In the slop-can in the bedroom.*
Q. On Friday, the day we were speaking of, how long did you remain on duty in the sick room?
A. From eleven in the morning till half-past four in the afternoon.
Q. Was Mrs. Maybrick in the room during that day?
A. Yes, most of the time.

Valentine's Meat Juice.

Q. Was she helping you to nurse, or what was she doing during the time?

A. She was just in the room. I administered all the food and medicine myself.

Q, *Did she speak to you at all or suggest anything?*

A. *I only remember her suggesting a hot-water bottle.*

Q. Now, Miss Callery, I wish to ask you one or two questions. You came at 11-30 a.m. on Thursday, the 9th, and you remained on duty until 11 p.m.?

His Lordship: Half-past four I understand.

Sir Charles Russell: No, that was on the Friday, my lord. She only remained till half-past four on the Friday. [Continuing] Then you returned to duty at eleven in the morning, and remained till half-past four on the Friday?

A. Yes.

Q. Did you leave the room during the time you were there? Did you yourself administer all the food and all the medicine that were administered?

A. I did not leave the room, and I administered all the food and medicine

Q. *I think you said Mrs. Maybrick made some suggestion about a water bottle for his feet, which were cold. Did she in any way interfere?*

A. *Not in any way.*

Q. And on this occasion when Mr. Maybrick said something about "Don't give me the wrong medicine again," or something of that kind, were you at that time endeavouring to induce him to take some of the medicines you had been ordered to give him?

A. Yes: I had the glass in my hand.

Q. And was she endeavouring to persuade him to take the medicine?

A. Yes.

Q. As a matter of fact, were the medicines frequently changed?

A. Yes.

Q. I don't know whether you recollect that on the day that incident occurred bismuth was one of the medicines given, instead of anti-pyrine, which had been given the day before?

A. No.

Q. At what time was it that the statement was made to you by Nurse Gore as to the Valentine's Meat Juice?

A. It was when I went on duty on Friday morning, *I believe.*

Q. That would be eleven o'clock?

A. Yes.

Q. In consequence of that statement,, you were vigilant to see what was given to your patient?

A. *Yes. I got the medicines together on a small table by themselves.*

Q. And were you careful to see that nothing from that bottle of meat juice was given to him?

A. Yes.

Q. Now, speaking of these two periods when you yourself were in charge was anything improper put in the medicine or food given to him?

A. No.

Q. Are you sure?

A. Quite sure.

Q. I must ask you one other question. *Mrs. Maybrick was a good deal in the room. On occasions when she was out of the room, did Mr. Maybrick make any observations to you about it?*

A. *Yes, he asked for her when she went out of the room.*

Q. *Then you sent for her, I suppose?*

A. *Yes.*

Q. *Did she appear to be very anxious about him?*

A. *Yes, very much so.*

This is the whole of the evidence in possession of the Crown in connection with any "suspicious circumstances" in the conduct of Mrs. Maybrick in reference to any bottle of Valentine's Meat Juice, and it consisted of her having taken a bottle out of the bedroom into the dressing-room for a few minutes and having replaced it in the bedroom on the *table* and then removing it to the *washstand* and there leaving it, and making no effort to have any of it administered to the patient either during the night or during the next day, and there is a direct flaw in the evidence as to the identity of that bottle which she left on the *washstand* with the bottle in which Mr. Davies found $\frac{1}{2}$ a grain of "arsenic in solution." Flaw in identity of bottle.

Nor is this all. In making up a chain of *indirect* proof, the duty of the Crown was to omit nothing which they could by ordinary means arrive at a knowledge of, concerning not merely the *identity* of the bottle of meat juice, but also the identity of the arsenic which they *assumed*, from its having been found *after death* in the dressing-room, was a store of arsenic to which Mrs. Maybrick had access, with the arsenic which Mr. Davies found in the bottle of Valentine's Meat Juice which he analysed. Source of arsenic.

Mr. Davies found, by analysis, in that meat juice $\frac{12}{100}$ths of a grain of "arsenic in solution" in 100 grains of the liquid, or by calculation, half a grain of "arsenic in solution" in the 411 grains of liquid which the bottle contained when it was handed to him. He found no tissues of fly-papers, and he found no charcoal in it, but "arsenic in solution," and that being what he had found, and the specific gravity being "considerably lower," as he described it in his evidence, it was a matter demonstrated beyond scientific doubt that the source from which the arsenic found in the meat juice was obtained was some pure arsenic in solution. Specific gravity

"Arsenic in solution" was indeed found in the dressing-room and in a bottle of Valentine's Meat Juice, and in the bottles and tumbler containing the "arsenic in solution," which were found in the dressing-room, and they were all in the hands of Mr. Davies, the analyst. That being so, it was a mere question of specific gravity for Mr. Davies to ascertain which of the bottles or tumbler containing "arsenic in solution," found in the dressing-room, was the source from which the half-grain of arsenic in solution he found in the Meat Juice had been obtained. In this case that question was rendered very simple from the fact that in one of these bottles—No. 11 in the printed list prepared by the police—there was only solid arsenic, with only a single drop of water in it. The "arsenic in solution" found in the meat juice, therefore, could not have come out of that. Arsenicum solution

In another bottle there was a *black* solution of arsenic and charcoal, so what was found in the meat juice could not have come out of that. Black solution.

Valentine's Meat Juice

In the tumbler there was also a *black* solution of arsenic and charcoal, and the same remark applies.

There was only one other bottle of "arsenic in solution" found in the house, and that was, as described in the printed list of the police—

"No. 10. Liquid in bottle."

"Could have been."

That was pure "arsenic in solution," and that, of course, *could* have been the source of the poison found in the meat juice—but that it *could have been* is not sufficient. The duty of the Crown was to show not merely that it *could have been*, but that it actually was. There was not the slightest difficulty whatever in it: Mr. Davies had the bottle of Valentine's Meat Juice in his hands containing 411 grains of it; the specific gravity of it was "considerably lower"; he could ascertain precisely how much lower. Mr. Davies had also this bottle (No. 10) in his hands; he could ascertain the specific gravity of that also; and by a sum which any schoolboard boy of the sixth standard could have done for him, he could have said exactly how many grains of the liquid in No. 10 had been introduced into the 411 grains of liquid which was in the Valentine's Meat Juice when handed to him; nay, more, he could ascertain the arsenical strength of No. 10 and state exactly how many grains of it would carry half a grain of arsenic, and could thus show, without any difficulty whatsoever, whether the half grain of arsenic in solution, which he found in the Meat Juice had come out of No. 10. He could have shown this to demonstration, and it was the duty of the Crown to have completed the chain of the *indirect* proof they were relying on in their charge against Mrs. Maybrick, by showing not only that it *could have* come out of it, but that it actually did.

Specific gravity.

Now we will see how the Crown performed this duty: they employed Mr. Davies as the analyst. (The country spares the Crown no expense in preparing criminal cases: all the wealth and talent of the country is at their disposal.) The Crown selected Mr. Davies as an analyst to perform this duty cast upon it in preparing a charge of murder against Mrs. Maybrick by indirect evidence. If Mr. Davies was incompetent—that is no excuse for negligence on the part of the Crown—they should have employed some one else. The following is Mr. Davies' evidence as to this bottle of Valentine's Meat Juice.

Mr. Davies.

At the Inquest Mr. Davies said:—

"The bottle of Valentine's Meat Juice was given to me by Dr. Carter on Saturday, the 11th. I analysed the contents of that bottle on the following day, Sunday. When I received the bottle it had in it about 140 drops more

than now. The bottle would be *about half full.* It contained altogether, before I took any out for analysis, *over 400 grains.* I took *10 drops out,* and testing by Reinsch's test I obtained a strong deposit of arsenic on a slip of copper. I then treated that slip of copper in a glass tube, and obtained crystals of what is commonly called white arsenic—that is, the oxide of arsenic. I took *10 drops more,* and, putting it into Marsh's apparatus, obtained spots of arsenic from it. I also from Marsh's apparatus passed the gas into nitrate of silver, and got a precipitate of silver."

The Coroner: What does that mean?

A. That shows the presence of arseniuretted hydrogen—arsenic. I also adopted the method of Fresenius and Bobo, with the result that I got a distinct precipitate of sulphide of arsenic, soluble in ammonia. I have since made a quantitative analysis. I weighed the arsenic as sulphide of arsenic, and for this purpose I took 100 grains.

Q. With what result?

A. That I got ·12 per cent of white arsenic. On the contents of the bottle that would be as nearly as possible half a grain.

The Coroner: It seems there is no doubt in your mind that there was arsenic in the Valentine's meat juice, as given to you by Dr. Carter?

A. Oh, I am absolutely certain.

Superintendent Bryning: Before we leave this part, have you analysed a bottle of Valentine's meat extract other than this?

A. Yes, I have analysed another sample.

Q. Are you able to say whether the first bottle was diluted?

A. Yes. I have taken the specific gravity of the liquid in the two bottles. In the one that contained arsenic, I found the specific gravity considerably lower, showing that water had been added.

Q. From this fact I infer that arsenic had been added in solution?

A. I don't know that all the bottles of Valentine's meat juice are the same specific gravity.

At the Magisterial Inquiry Mr. Davies said:—

"The Valentine's meat juice does contain arsenic. When brought to me it contained 411 grains of liquid, which contained half a grain of arsenic. To the hundred grains it would be 0·12. If the bottle had been full there would have been about a grain of arsenic in it."

Q. Had the bottle of Valentine's meat extract been diluted?

A. It had. The arsenic had been put in in solution. Its specific gravity was reduced very much.

At the Trial Mr. Davies's evidence was:—

"On May 11th [Saturday], Dr. Carter gave me a bottle of Valentine's meat juice. That was the first matter I had in connection with the case. On the Sunday morning I examined the meat juice, it having been locked up during the night."

Q. With what result?

A. I found presence of arsenic. At a subsequent period I determined the amount—on the 23rd May. I found in the quantity of meat juice which had been brought to me originally half a grain of arsenic. By that I mean white oxide of arsenic.

Q. Can you tell me whether that arsenic had been put in in solution or solid?

A. It had been put in, I believe, in solution, because there was no solid arsenic in it. *I examined it carefully,* and the specific gravity of it was less than that of another sample which did not contain arsenic.

Q. Did you also test another bottle of Valentine's meat juice found in the box?

Valentine's Meat Juice.

A. Yes, I did.

Q. And that?

A. It was free from arsenic, and I also tested another sample, which was sent to me from the importers, and there was no arsenic in that.

Mr. Davies said at the Trial that he had "examined it carefully." If so, he could have told the Jury what the precise specific gravity was. Why did he not do so? Why did he use such indefinite language as "considerably lower" at the Inquest and at the Magisterial Inquiry, and "less than another sample" at the Trial? Can he tell now?

Specific gravity.

Then again, as to the bottle, No. 10, which Mr. Davies described as a "saturated solution," and which was the only source of "arsenic in solution" to which Mrs. Maybrick could have resorted among all the stores of arsenic found on the premises *after* death, for the purpose of introducing the half-grain of "arsenic in solution," which Mr. Davies says he found in the Valentine's Meat Juice, and which having been introduced in the form of "arsenic in solution" had reduced the specific gravity.

Saturated solution.

Mr. Davies.

At the inquest Mr. Davies said:—

Q. Now as to No. 10 liquid in bottle not marked—What do you say about it?

A. It is a saturated solution of arsenic, with solid arsenic at the bottom.

Q. How much arsenic do you *think* there is in the bottle?

A. I *dare say there may be (solid and liquid), perhaps, two grains*—to put it on the safe side we will say there is a grain in the "bottle."

At the Magisterial Inquiry he said:—

"No. 10 is a saturated solution of arsenic, with a little solid arsenic at the bottom."

At the Trial Mr. Davies's evidence was:—

Q. Now what did you find in Bottle, No. 10.—What did it contain?

A. It contained a saturated solution of arsenic, with a small portion of solid arsenic in the bottle.

Q. *Do you know in what it had been dissolved?*

A. *In water.*

Q. *What do you mean by saturated solution?*

A. *I mean the point at which water will not dissolve any more.*

I refer my readers as to these answers of Mr. Davies to Appendix A.

Arsenical strength.

Now, can Mr. Davies tell us *now*, not "perhaps," or "I dare say," or "to put it on the safe side," but what the exact arsenical strength of this bottle, No. 10, of "saturated solution" was? and what the specific gravity of it was? Any board-school boy of the sixth standard can then tell us how many grains of this saturated

solution would carry half a grain of arsenic, and consequently how many of the 411 grains of liquid in the bottle of Valentine's Meat Juice consisted of this "saturated solution," and then he could prove his sum by comparing the reduced specific gravity of the mixture with the ordinary specific gravity of Valentine's Meat Juice. If Mr. Davies can tell us *now*, why did not the Crown call upon him to tell the Jury at the Trial?

It must be plain to my readers that Mr. Davies can tell us nothing about all these things, and that the Crown presented its case against Mrs. Maybrick to the Jury with reckless carelessness and negligence; and I wish to ask my readers whether this is the way they intend to allow the Crown to conduct criminal trials in this country?

[NOTE.—*For the sake of ascertaining what the specific gravities of these bottles were I made inquiries of Mr. Davies, upon that specific scientific point. He refused to answer my questions, on the ground that he had taken a personal view on the case!! Analysts who take personal views are a rather dangerous sort of people, because, with their microscopes which make a millionth part of a grain visible, and their weighing machines with which they weigh 1-1,000th part of a grain, they deal in an occult science which is a wonderland to us.*

I think that any of my readers whose turn it may unfortunately be next to have a case made up by the police against some member of their own family, or some neighbour, would prefer analysts who do not take a personal view of the case, but confine the attention of their minds to their microscopes and their scales!—A. W. McD.]

Michael Maybrick.

Now I insist as a matter of absolute right that Michael Maybrick's evidence as to *where* he took the bottle of Valentine's Meat Juice from, as given by him on the 28th of May, only seventeen days after that Friday, the 11th of May, when he said he removed it from the sick room, is the evidence which must be taken. On the 28th of May, when the whole matter was fresh in his mind, he must (if he really believed in Mrs. Maybrick's guilt of compassing her husband's death) have had vividly present to his mind all the minutest details; that evidence was given, moreover, before he had heard Nurse Gore's evidence that she had left the bottle on the *washstand*, where Mrs. Maybrick had left it.

On that 28th of May. Michael Maybrick swore concerning the bottle which he had removed from the sick room on that Friday, the 11th of May—

Table.

Q. The Coroner: Where did you find the bottle?
A. I found it on the *table*, mixed up with several other bottles.

and that there may be no mistake about this *table*, he had just

Valentine's Meat Juice.

previously spoken of having taken the bottle of brandy on the same morning—

"It was standing on a little table by the bedroom window, where the medicines were."

Nurse Gore's evidence was that the bottle which Mrs. Maybrick had in her hand was first placed by Mrs. Maybrick on the *table*, and then removed by her to the *washstand*, and that when she (Nurse Gore) went off duty, at eleven o'clock in the morning, she left that bottle on—

"the washstand, where Mrs. Maybrick had left it."

I further insist that Nurse Callery's evidence, on the 28th of May, that the bottle of Valentine's Meat Juice, to which Nurse Gore directed her attention, and *of which she took a sample*, was a bottle which was standing on the *table*, proves that there were two bottles of Valentine's Meat Juice in that sick room on that Friday morning.

Not only is there a fatal flaw in the identity of the bottle handed to the analyst, in which arsenic was found, with the bottle which was in Mrs. Maybrick's hands, but the evidence of these three witnesses — Michael Maybrick, Nurse Gore, and Nurse Callery—at the Inquest, when the details were freshest in their minds, is *direct* evidence that the bottle which Michael took from the *table* is not the same bottle which Nurse Gore (the only witness who saw Mrs. Maybrick have any bottle of Valentine's Meat Juice in her hands) left—

"on the *washstand* where Mrs. Maybrick had left it."

Missing bottle.

I say further, that the half-used bottle of Valentine's Meat Juice which Dr. Humphreys, on Monday, 6th of May, had ordered James Maybrick to discontinue because it made him sick, has not been accounted for, unless indeed we are to suppose it was the half bottle which was found by the "suspecting five" in James Maybrick's hatbox, together with the store of black solutions and white solutions; but then that half bottle was found by Mr. Davies to be free from arsenic!

That bottle was described in the Printed List on page 1:—

"No. 7.—Found in Mrs Maybrick's dressing-room by Inspector Baxendale. —Meat extract."

and no arsenic was found in it.

It is most unfairly and inaccurately described in that list, because it was not found by Inspector Baxendale, but by Mrs. Briggs, in her "search for keys" in the bandboxes on the Sunday morning after death, along with the black solutions and white solutions of arsenic.

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I insist, moreover, that it is a very "suspicious circumstance" that when, on the 16th of June these three witnesses—Michael Maybrick, Nurse Gore, and Nurse Callery—had to give their evidence again as to the bottle which Michael removed from the sickroom and handed to the analyst, and after they had had time to digest the fact that both Michael and Nurse Callery had spoken of a bottle on the *table*, while Nurse Gore had spoken of a bottle on the *washstand*—that Michael Maybrick and Nurse Callery should have made their evidence conform with Nurse Gore's, and speak of the bottle as having been on the *washstand*. I say that this is a very "suspicious circumstance," but it is a "suspicious circumstance" which points not to Mrs. Maybrick, but to some "putter on," some astute getter-up of a case against Mrs Maybrick.

Suspicious circumstances.

I say also that when at the Trial these three witnesses were called upon again to give their evidence as to this bottle, it is a "suspicious circumstance" that Michael Maybrick should have, while repeating his evidence as given at the Magisterial Inquiry, that he took the bottle from the *washstand*, repeated what he had said at the Inquest, that he found it among a number of bottles, while Nurse Gore, when asked what was on that washstand, said—

"the ordinary jugs and basins."

It is absolutely incomprehensible to me—it being essential that the Crown should prove by direct evidence, without any flaw whatever, that the bottle analysed by Mr. Davies was the *identical bottle* and in the same condition as the bottle which Mrs. Maybrick had had in her hands—how it happened that neither at the Magisterial Inquiry nor at the Trial Mrs. Maybrick's legal advisers should have confronted these three witnesses with the extraordinary discrepancies in their evidence.

It is again absolutely incomprehensible to me how—when Nurse Callery had disclosed at the Inquest that the bottle was not in the same condition as when it was in Mrs. Maybrick's hands, that she had, under the directions of Nurse Gore, taken a sample, and had, also on the directions of Nurse Gore, *thrown away that sample*—that not only did Nurse Gore keep back all evidence herself at the Inquest about this extraordinary proceeding, but that no question was put to her, after Nurse Callery had let this out, by Mrs. Maybrick's legal advisers as to whether the bottle was in the same condition when she saw Michael Maybrick take it from the room as it was when it was in Mrs. Maybrick's hands.

Sample.

Messrs. Cleaver, Mr. Pickford, and Sir Charles Russell may have some explanation for their neglecting to ask any such questions, but as the matter stands it is inconceivable to me, and I call for that explanation. It is an explanation which I think is due by her legal advisers to that woman who is now left to pass either to death or madness at Woking Jail.

Mrs. Maybrick's legal advisers.

Valentine's Meat Juice.

But not only is there a flaw in the evidence as to the identity of the bottle, and not only is there a flaw in the evidence that the bottle was in the same condition as when Mrs. Maybrick had it in her hands; but there is, moreover, evidence that it was in the hands of three unfriendly persons after it was in Mrs. Maybrick's hands; and the improbable story of Nurse Gore's leaving it, when she went off duty in the morning—

"on the *washstand* where Mrs. Maybrick had left it,"

and saying nothing about it to Dr. Humphreys nor to Michael Maybrick (although she told Michael about a bottle of brandy which turned out to be harmless, and some of which she had administered to the patient); not only is there the story, untold by Nurse Gore, but told by Nurse Callery, of her having given Nurse Callery a medicine bottle to take a sample of it, and then on her return from Liverpool telling Nurse Callery to throw away the sample, as the Superintendent of the Institute did not wish it kept; and then we have Nurse Gore, for the first time, speaking about the bottle to Michael Maybrick. Not only is the whole story in all its points improbable, but there is another "suspicious circumstance" connected with this conflict of evidence given by these three witnesses at the Inquest, about whether the bottle which was taken by Michael Maybrick from the sick room had been found by him on the *table* or the *washstand*.

Bessie Brierley.

Bessie Brierley, the housemaid, gave the following evidence at the Inquest:—

"*On Thursday, the 9th of May*, the day but one but one before master died, I was told by Cadwallader to take a cup of tea to Mrs. Maybrick. I knocked at the door. Mrs. Maybrick was in the little dressing-room, through the master's room. *Nurse Gore was in the master's bedroom* as I passed through. The nurse was rubbing his hands. I gave the tea to the mistress, and on retiring through the room saw Mr Michael Maybrick. The nurse was sitting on the side of the bed rubbing master's hands. *Mr. Michael Maybrick was taking some thing off the washstand, which looked like a small bottle.* He put it in his pocket, and walked out of the room. I merely saw something like a bottle going into his pocket. *It was rather dark at the time.* On the following day (Friday), I saw the mistress several times. I do not remember speaking to her on Saturday—I did not see mistress at all that day. That night master died."

Different date.

Now this was Bessie Brierley's evidence, given at the Inquest on the 28th of May, when the matter was fresh in her mind, and, from the small details which she gives, it is evident that everything was not only fresh but vividly clear in her mind, so vividly clear as to impress one with the certainty that it is true. But, according to that, it was not on *Friday, the 10th* of May, at two o'clock in the afternoon, in broad daylight, that Michael Maybrick took a bottle off the *washstand*, but on Thursday evening, *the 9th* of May, when it was rather dark, and when she was taking up tea to Mrs. Maybrick.

There is no mistaking this evidence of Bessie Brierley's! and there is no escaping from the significance of the "suspicious circumstance" that it was on Thursday evening, and not on Friday afternoon, that Michael Maybrick took a small bottle off *the washstand*. My readers will remember the extraordinary evidence of Nurse Callery at the Inquest, given after she had heard Michael Maybrick's evidence, that he had on Friday afternoon, at about two o'clock, taken away from the sick room a bottle of Valentine's Meat Juice which he found— Valentine's Meat Juice.

"*on the table*, mixed up with several other bottles,"

and after she had also heard Nurse Gore say—

"I saw Mr. Michael Maybrick remove the bottle of meat juice from the *washstand* where Mrs. Maybrick had left it."

My readers will remember that Nurse Callery, who was on duty in the room on that Friday afternoon, and whose attention had been so specially directed to a bottle of Valentine's Meat Juice on the *table* that she had taken, and then, by order of the Superintendent of the Nurses' Institute, *thrown away a sample* of it—said at the Inquest:—

"*I don't know what became of the meat juice.* I saw Mr. Michael Maybrick in the room before going off duty at 4-50 p.m. on Friday, *but I did not see him take the meat juice away.* He was in the room the greater part of the morning from eleven o'clock."

My readers will also not fail to notice that though Nurse Callery took a sample of the meat juice on that Friday morning, and that Michael Maybrick was in the room the greater part of the morning, she, like Nurse Gore, never said anything about this bottle of Valentine's Meat Juice to him, and that the first he heard of it was on Nurse Gore's returning from Liverpool, at 2 o'clock, when she told him of it. This is very odd. Why did not Nurse Callery, who was on special duty to watch Mrs. Maybrick, under orders of Michael, mention the suspicions about this bottle? He is in and out of the room all the morning. It is very odd! Nurse Callery.

While, therefore, on the one hand there is no room for doubt that Bessie Brierley is speaking the truth, when she says that on *Thursday*, when it was getting dark, she saw Michael Maybrick take a small bottle off the washstand, put it in his pocket, and take it downstairs, there is on the other hand more than room for doubt that Michael Maybrick took the bottle Nurse Callery had her eye on from the room on Friday afternoon at two o'clock.

It is quite clear that the small bottle which Bessie Brierley saw Michael Maybrick in the act of taking off the *washstand* on Thursday afternoon, could not have been the bottle which Mrs. Maybrick took into the dressing-room on Thursday midnight!

Valentine's Meat Juice.

What has become of that bottle which Michael Maybrick took off the washstand on Thursday?

It is inconceivable to me how this evidence of Bessie Brierley's escaped the notice of Mrs. Maybrick's legal advisers.

At the Magisterial Inquiry Bessie Brierley said:—

"Either on the Wednesday or the Thursday before my master died, I saw Nurse Gore in Mr. Maybrick's bedroom rubbing master's hands, Mr. Michael Maybrick was in the bedroom, and *I saw him take a small bottle from off the washstand* and put it in his pocket."

At the Trial Bessie Brierley's evidence was:—

"On Thursday I remember taking a cup of tea in to the mistress's bedroom; it was the front room I took it into. As I passed through the chamber Mr. Maybrick was in bed and the nurse was rubbing his hands. When I passed through on returning, Mr. Michael Maybrick was in the room and I saw him taking something off the washstand. I think this occurred *on the evening of Thursday, the 9th of May.*"

Mrs. Maybrick's legal advisers.

There is only one possible explanation which can occur to me of Mrs. Maybrick's legal advisers allowing such contradictory evidence as that of Michael Maybrick, Nurse Gore, Nurse Callery, and Bessie Brierley—not only as to the identity of the bottle, but as to even the day on which Michael Maybrick removed it—to pass unnoticed, and that is, that her legal advisers started "a line of defence" of their own which they thought skilful, but which was very clumsy, and consisted of "a bag of tricks" to keep back Mrs. Maybrick's own statement that she had made to her legal advisers the moment she was made aware of arsenic having been found in a bottle of meat juice—namely, that she had taken a bottle of Valentine's Meat Juice into the dressing-room on Thursday night and had put into it a powder which her husband had entreated her to let him have, but that she had no idea it was arsenic. The only possible explanation, I say, which can occur to me of Mrs. Maybrick's legal advisers allowing the contradictory evidence of these witnesses at the Inquest about the identity of the bottle and the day on which it was removed by Michael Maybrick to pass unchallenged—is that

THEY WERE AFRAID OF THE TRUTH.

Sir Edward Clarke, at a celebrated trial some twelve years ago, (the Penge case), denounced in eloquent language the unfairness of not allowing a person, accused of crime, to say anything except through the mouth of her counsel. Sir Edward Clarke, standing at the Bar of England, denounced—

"the closing of the mouths of persons accused of crime, while it compels them to be silent spectators of an interesting game played out by counsel with their lives as stakes, is almost the sole remaining relic of barbarism in our Code."

Those eloquent words of Sir Edward Clarke bore fruit, and since then *some* judges have removed that "relic of barbarism," and have allowed the "silent spectators of a game played out by Counsel with their lives for stakes" to make their own statement; and accordingly, when Mrs. Maybrick, who had been in the dock for several days, "a silent spectator" of the interesting game played out by her Counsel, made her statement—

Valentine's Meat Juice.

SHE WAS NOT AFRAID OF THE TRUTH!

and in spite of the advice of such an able counsel as Sir Charles Russell, and although the case for the Crown was closed without any evidence as to her having put anything into it, she insisted upon the Jury knowing what she had done with the bottle of Valentine's Meat Juice which she had taken on Thursday night (9th of May) into the dressing-room, and when Counsel for the Crown and her own Counsel had finished their "interesting game," she stood up herself in the dock and said :—

Mrs. Maybrick's statement.

"My Lord, I now wish to refer to the bottle of meat essence. On Thursday night, the 9th, after Nurse Gore had given my husband beef tea, I went and sat on the bed by the side of him. He complained to me of feeling very sick, very weak, and very depressed, and again implored me to give him this powder, which he had referred to early in the evening, and which I had declined to give him. I was overwrought, terribly anxious, miserably unhappy, and his evident distress utterly unnerved me. He had told me the powder would not harm him, and that I could put it in his food. I then consented. My Lord, I had not one true or honest friend in the house. I had no one to consult, and no one to advise me. I was deposed from my position as mistress in my own house, and from the position of attending on my own husband, notwithstanding that he was so ill. Notwithstanding the evidence of the nurses and servants, I may say that he wished to have me with him; he missed me whenever I was not with him. Whenever I went out of the room he asked for me, and for four days before he died I was not allowed to give him a piece of ice without its being taken from my hand. When I found the powder, I took it into the inner room, and in pushing through the door I upset the bottle and in order to make up the quantity of fluid spilled, I added a considerable quantity of water. On returning to the room I found

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my husband asleep, and I placed the bottle on the table by the window. When he awoke he had a choking sensation in his throat and vomiting; after that he appeared a little better. As he did not ask for the powder again, and as I was not anxious to give it to him, I removed the bottle from the small table where it would attract his attention, to the top of the washstand where he could not see it. There I left it until I believe Mr. Michael Maybrick took possession of it. It was not until Tuesday, the 14th of May, the Tuesday after my husband's death. Until a few minutes before Mr. Bryning made the terrible charge against me, no one in that house had informed me of the fact that a death certificate had been refused, or that a post-mortem examination had taken place, or that there was any reason to suppose that my husband died from other than natural causes. It was only when Mrs. Briggs alluded to the presence of arsenic in the meat juice that I was made aware of the nature of the powder my husband had asked me to give him. I then attempted to make an explanation to Mrs. Briggs, such as I am now making to your Lordship when a policeman interrupted the conversation and put a stop to it."

And then, and not till then, did Sir Charles Russell refer to the fact that this had been her story about it from the very first; that she had told this to her legal advisers before even the Inquest, but that in the interesting game they were playing, with her life for stake—

THEY WERE AFRAID OF THE TRUTH!

They and not Mrs. Maybrick had kept it back. It was a clumsy line of defence, and Mrs. Maybrick has suffered by their clumsiness.

When Mrs. Maybrick had finished her statement, Sir Charles Russell rose and said:—

Sir Charles Russell: My lord, I now desire to call two persons to whom that statement was made before the inquest, to give evidence to that effect.

The Judge: I wish to say it is very painful to me to have to refuse what I feel to be an essentially reasonable request, but I think I cannot allow it—I cannot go beyond what the law allows.

[NOTE.—*The two witnesses, whom Sir Charles desired to call were Mr. Richard Cleaver and Mr. Arnold Cleaver, and as my readers will see from the account Mrs. Maybrick's mother had given of what*

occurred on her arrival on the 17th of May, he might also have called the Baroness de Roque. (See page 9.) Valentine's Meat Juice.

"I then said to her in French, 'Tell me, have you done anything wrong, my dear, to your husband?' She replied, 'No, mamma, I swear to you I am innocent. I put a powder he asked for into the meat juice, but he did not have it.'"—*A. W. McD.*]

Now, why did not Mr. Justice Stephen allow Sir Charles Russell to call these witnesses? If the relic of barbarism "which closed the mouths of prisoners, and made them silent spectators of a clumsily played but interesting game of counsel, with lives for stakes," is swept away, what *law* was it which put any restrictions whatever upon Mr. Justice Stephen? He said— Mr. Justice Stephen.

"I cannot allow it, I cannot go beyond what the law allows."

What Law? Is it some judge-made law to which he referred— some law of practice which some judges in private conclave had agreed upon? If so, when was judge-made law made the criminal law of this country? We can see enough of the confusion caused by judge-made laws in our Chancery Courts, where hardly two judges conduct the proceedings under the same laws of practice. Are we to have judge-made laws introduced into our criminal code? Is this what the English people intend to allow at our criminal trials? What Law?

Why did Mr. Justice Stephen—Mrs. Maybrick having shown herself dissatisfied with the way in which her counsel were playing "the interesting game, with her life as stake," by insisting upon making her statement herself—put any restrictions whatever upon any evidence which was tendered in support of it!

Is this the way to elicit the truth? Is this the course we should any of us adopt in the ordinary daily occurrences of life to elicit the truth?

I shall presently have to refer to the comments Mr. Justice Stephen made upon this statement when summing-up to the Jury, but before doing so I propose to see what evidence there was in the case which corroborated it, and I will state it as a proposition which cannot be controverted, that unless there was any evidence which did contradict it that statement of Mrs. Maybrick must be taken as true.

In the first place there is nothing in the evidence of Nurse Gore, the only witness who saw the bottle of Valentine's Meat Juice in Mrs. Maybrick's hands on that Thursday night, the 9th of May, which, in any way, conflicts with what Mrs. Maybrick herself says. Nurse Gore saw her take a bottle of Valentine's Meat Juice into the dressing-room, return and replace it on the table, and then, when her husband awoke, saw her remove it to the washstand, and Mrs. Maybrick says this is what she did.

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The only thing which Nurse Gore did not see was what Mrs. Maybrick did with the bottle during the few minutes she had it in the dressing-room, but Mrs. Maybrick herself says that she put "a powder" into it; she does not say what sort of powder, whether it was a white powder, or whether it was a small powder, or what it was, but that she put a powder into it; and she says that she did it at the urgent entreaty of her husband, who had referred to it earlier in the evening, when she had at first refused; but being—

"overwrought, terribly anxious, miserably unhappy, and his evident distress utterly unnerved me. He had told me the powder would not harm him, and that I could put it into his food."

and that—

"it was not until Mrs. Briggs alluded to the presence of arsenic in the meat juice that I was made aware of the nature of the powder my husband had asked me to give him."

Now, under the circumstances that she was deposed from her position of attending to her husband, and that this Nurse Gore was there to watch and see that she did not give him anything, if Mrs. Maybrick did yield to such a request of her husband's she would not be likely to have told the nurse. She did just that which would be *natural*, she took the bottle into the dressing-room where Nurse Gore *could not see* what she put into it; and as she had consented to her husband's entreaty, took what care she could that this nurse *should not know what she had put into it.* Whether she was right in yielding thus to the entreaty of a dying man is another question; but if she did yield, she took what was, under her deposed position in that house, *the most natural course possible*: she took the bottle into the dressing-room, and put the powder in there, where Nurse Gore could not see her do it.

I must introduce here the evidence of Nurse Callery as to the opportunity James Maybrick had of thus asking Mrs. Maybrick to put a powder into his food, and as to the state of anxiety Mrs. Maybrick was in on that Thursday. Nurse Callery was on duty on that Thursday from 11 a.m. till 11 p.m., and it was about 12 o'clock at night when Nurse Gore saw Mrs. Maybrick take the bottle into the dressing-room.

Nurse Callery.

Nurse Callery's evidence at the Trial is:—

Q. Mrs. Maybrick was a good deal in the room. On occasions, when she was out of the room, did Mr. Maybrick make any observations to you about it?

A. Yes; he asked for her when she went out of the room?

Q. Then you sent for her, I suppose?

A. Yes.

Q. Did she appear to be very anxious about him?

A. Yes; very much so.

Q. I should like to know, did she speak to her husband? Did you hear any conversation?

A. I can't recollect anything she said.

Q. No; I am not meaning to say that you recollect what the conversation was, but they did converse?

A. Yes

Q. Used she to sit on the bedside, or how?

A. Sometimes on the bed, and sometimes beside him.

Q. You, of course, did not concern yourself in their conversation, but did they speak in a low tone?

A. Yes; a great deal.

His Lordship: Do you mean they conversed a great deal or in a low tone?

A. They spoke a great deal in a low tone. The patient was very weak; his voice was not strong.

There is no doubt then that there were opportunities when he might have made his request to Mrs. Maybrick to put the powder in, and that she was in great distress about him; so that when Mrs. Maybrick speaks of his evident distress unnerving her when she consented to yield to his request, there is nothing in conflict with Nurse Callery's evidence. Whether, as I have said, she ought to have yielded is another question; but, under the circumstances, I do not know that I should be surprised if my own wife had yielded; and I am quite sure that a great many wives—overwrought with evident distress, terribly anxious and miserably unhappy—would have yielded. There is nothing unnatural, but on the contrary, *something very natural about it, too natural indeed to be untrue!* The whole story bears the impress of truth, and it was a clumsy device of Mrs. Maybrick's legal advisers to try to suppress it by taking a different line of defence out of their "lawyers' bag of tricks."

[NOTE.—*The following extract from a letter I have received from Mr. C. H. Thompson, who is so well and honourably known in connection with the Paraguayan war (in which country arsenic is habitually taken by almost every one), shows that Mrs. Maybrick's yielding to such a request from her husband, under the circumstances in which she was placed, even if she knew the powder was arsenic (which she says she did not), would be* natural, *not* felonious: "*Then, again, there is to me another convincing proof of her innocence in her giving, or intending to give, her husband his 'remedia' at his special request. I have often been at the sick bedside of habitual poison takers—of opium, laudanum, nicotine, alcohol, and arsenic—and I never knew an instance where I was not requested to bring some with me on my next visit. In our hospitals the medical men are so aware of this weakness on the part of friends and relations that they have large placards fixed up cautioning visitors not to pander to the wants of patients in that way.*"—*A. W. McD.*]

Now, then, as to the powder. Mr. Justice Stephen put a pertinent question, when he said, "What powder?"

Valentine's Meat Juice.

Mr. Justice Stephen put it in this way:—

Mr. Justice Stephen.

Powder.

"I do not recollect any mention of any powder of this kind, either as being in the sick room or as being in the inner room. If Mr. Pickford, or any other gentleman connected with the case, can refer me to any place where such powder is mentioned, certainly I shall be very grateful to him, and partly by examining my own notes and partly by examining the evidence I will do my best to give any evidence that may have been given on the point. I certainly, at the present moment, recollect no mention of any white powder being placed in the room in such a way that it could be seen. Well, I feel that there is another difficulty which suggests itself immediately, '*What powder?*' Well, I suppose she means to say some powder which he wished to drink, or that she would put in his food. Now, nowhere in the whole evidence, so far as I can see, is there any reference to his wishing to have any powder, unless those prescribed for him."

Now I will just observe that Mrs. Maybrick did not say it was a white powder, nor was there any evidence that any powders had been prescribed for him! These are only slight inaccuracies, but I must just refer to them. Mrs. Maybrick did not say it was not a white powder, but that it was—(her word was repeated several times) "a powder;" and as to no evidence of his having made any request, I must observe that Mrs. Maybrick said he had made her a request that she should put a powder into his food, and that unless there was some evidence to show that this was not true, no one has any right to discredit it; and, indeed, while there was no evidence that he had not, there was the corroborative evidence of Nurse Callery that Mrs. Maybrick was constantly sitting on the bedside by him, and that they were conversing a great deal in a low tone, and that she did not hear what the conversation was about, while as to the proposition that there was no evidence of—

"any powder being placed in the room in such a way that it could be seen,"

the only thing I need say is that it is not a remark which could possibly have any bearing upon the question, because Mrs. Maybrick did not represent James Maybrick as asking for—

"any powder which was placed in the room in such a way that it could be seen,"

but for some powder which the nurse was not likely to see. It is the evident meaning of Mrs. Maybrick's statement that it was some secret powder, and she says, "when I *found it*" she took it into the dressing-room with the bottle of meat juice, but what is relevant is that *no powder was found by* those who searched the house after death. That is relevant, and Mr. Justice Stephen did quite right in calling the attention of the Jury to the fact that *no powder* had been produced by the Crown, but it would have been more to the point—in fact, very much to the point—if Mr. Justice Stephen (being judge, and not prosecuting counsel), had told the Jury that the fact that *no powder had been produced by the Crown* did not show that there was no powder in the house, and had referred them to the extraordinary conduct and evidence of Edwin Maybrick

which I have set out on page 34 (to which I refer my readers), that, after the "suspecting five" and after the police had searched the house, and when the furniture was going to be removed by the auctioneers—(about two weeks after his brother's death)—he had found a box of pills belonging to James Maybrick, labelled "Iron, quinine, and arsenic," in the washstand drawer of the bedroom, and that instead of handing them over to the police, he had taken them away and said nothing about them, and had never spoken about them in his evidence either at the Inquest, the Magisterial Inquiry, or at the Trial, and that the fact had not been elicited until after the case for the Crown had been concluded. If Mr. Justice Stephen, instead of remarking on the fact that there was no evidence about— Valentine's Meat Juice.

"any powder being placed in the room in such a way that it could be seen,"

had told the Jury that the fact that *no powder had been found* might be due either to the negligent way in which the premises had been searched—if Edwin Maybrick's story be true—or to some other cause, he would have made a remark which would have been relevant, instead of making one which is so irrelevant as to be inconsistent with his reputation of intellectual powers.

The question, What powder? is the question which my readers, now that the excitement of the Maybrick Mystery is over, will stop to consider—What powder? What powder?

Was it a white powder? If so, was it arsenic? or borax? or pepsine? or what white powder?

Two things are perfectly clear:

(1) That no arsenic powder was found in the house.

(2) That no arsenic powder had been put into the bottle of Valentine's Meat Juice which was analysed by Mr. Davies, because, if it had been, he would have found some of it there in the form of *solid arsenic*; and what he had found in it was "arsenic in solution."

Those two things are perfectly clear. If it had been borax, or pepsine, or any other white powder, it would have dissolved; but if it had been arsenic powder, it could not have wholly dissolved. Some of it would have either settled down to the bottom, or been found floating on the top and collected upon the sides of the bottle. Neither Mrs. Maybrick nor anybody else could have made it all dissolve in that bottle of Valentine's Meat Juice, even if she had had the appliances to weigh out a grain of arsenic powder, or the skill to pick it up and put it into the bottle after it had been weighed out. Any such suggestion that Mrs. Maybrick put a grain of arsenic in the form of powder into this meat juice, and that Mr. Davies could find no trace of solid arsenic in it, is too absurd for credence. If she did put a powder into it, that powder could not

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have been arsenic, whatever else it might have been; and when the bottle into which she put it is *identified* and analysed, it can be ascertained what the powder was. *Up to the present, as I have shown, that bottle has not been identified.*

Those two things are absolutely clear.

Mr. Justice Stephen.

But on what earthly principle did Mr. Justice Stephen take it upon himself to attempt to analyse this statement of Mrs. Maybrick's at all—he had refused to allow any evidence supporting it to be given, as being beyond the law—Mrs. Maybrick being a prisoner in the dock could not be cross-examined about it. She had made the statement voluntarily, and on what earthly principle did Mr. Justice Stephen interfere with the functions of the Jury by attempting to put his own explanation upon it?

Analysing Mrs. Maybrick's statement.

There is yet another thing which is clear, and that is, that Mr. Davies found $\frac{12}{100}$ths of a grain of "arsenic in solution" in 100 grains of Valentine's Meat Juice, out of the bottle which was submitted to him for analysis, and that he calculated from that, as there were 411 grains of liquid in the bottle when he received it that there was $\frac{1}{4}$ grain in the half bottle, and therefore 1 grain in the whole bottle. A whole bottle contains about 1,000 to 1,100 grains; but, as Nurse Gore had taken two teaspoonsful out before the bottle had been in Mrs. Maybrick's hands, Mr. Davies—though he used the word "half bottle" when speaking of 411 grains somewhat inaccurately—would be sufficiently nearly accurate when he computed that one grain of "arsenic in solution" had been put into it, if he meant after Nurse Gore had taken out the two teaspoonful. I have placed a grain of arsenic powder on this space:—

Arsenic powder.

O

and I put it to my readers that it would be a difficult feat for any one to put such a tiny powder into the bottle, especially into a bottle from which some of the meat juice had been so recently poured. Mrs. Maybrick could not have picked it up with her fingers, and could scarcely have put it in in any way without some of it sticking to the neck of the bottle, even if she could possibly have had either the skill or the scales to weigh it. But even if she could have done it, it is clear to demonstration that if she did put a powder into the identical bottle which Mr. Davies analysed, that powder could not have been arsenic powder—it must have been some powder which could dissolve, and which had wholly dissolved.

Mr. Davies found no solid arsenic in it; he found only "arsenic in solution," and it must therefore have been put into the Valentine's Meat Juice in the form of "arsenic in solution."

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Arsenic in solution.

Well, "arsenic in solution" was found in the house, and, moreover, was found in the dressing-room into which Mrs. Maybrick took the meat juice on that Thursday night, the 9th of May. Nobody in the house knew that it was there then, but it was found in the way I have described (under the heading, "Search of the Premises") after death in the dressing-room; and if Mrs. Maybrick put arsenic into the meat juice, it was from one of those bottles of "arsenic in solution" that it must be supposed she obtained this one grain of "arsenic in solution" (which Mr. Davies calculated he had found) which had been put into the bottle of Valentine's Meat Juice, and not in the form of any powder—black, brown or white.

Well, now, let us look at these bottles of "arsenic in solution" which were found in that dressing-room after death, and see if that was the source of the poison.

These were as set out in the printed list, page 1.

No. 8. Bottle with liquid and black powder.

10. Liquid in bottle.

11. Sediment in bottle, label, "Humphrey Jones, Llangollen.

12. Glass.

First as to No. 8. It could not have come out of that because that was mixed with charcoal, and Mr. Davies searched for charcoal, and could not find any trace of it!

The same may be said of No. 12—which was a tumbler with a pocket-handkerchief in it—because that also was mixed with charcoal!

Again, it could not have come out of No. 11, because that was not a solution of arsenic at all, but solid arsenic, with only a drop of water in it, and this would not dissolve if put into the meat juice.

There remains, then, only No. 10. This is the bottle which Mr. Davies described as a "saturated solution!"

The question, then, of the source of poison among the things found in the house after death, to which Mrs. Maybrick could have resorted, to put a grain of *arsenic in solution* into Valentine's Meat Juice, is therefore boiled down to this one bottle, No. 10, saturated solution.

Mr. Davies.

Mr. Davies is reputed to be a skilful analyst. If he is not it was the duty of the Crown to have employed one. He is the analyst whom Dr. Carter employed to analyse the Valentine's Meat Juice, and whom the police employed to analyse the long list of things set forth in the printed list (Appendix B), and out of that long list he, as a skilful analyst, must have seen at a glance that the only thing out of which the arsenic in solution he had

Valentine's Meat Juice.

found in the Valentine's Meat Juice could have been obtained was this bottle No. 10—saturated solution.

That being so, the attention of a skilful analyst would have been specially directed to that bottle. He would have ascertained the precise arsenical strength of this saturated solution. He would have taken the specific gravity of it, and would have ascertained what quantity of it, how many grains of it, would carry one grain of arsenic.

A skilful analyst would then have ascertained the specific gravity of the meat juice, and if he had not known how to do the sum himself, he could have got some board school boy to tell him whether the specific gravity of the Valentine's Meat Juice had been altered to the exact degree to which the introduction of the quantity necessary to introduce a grain of arsenic in solution into that bottle No. 10 would alter its specific gravity.

Analysis is an exact science, and given the bottle of Valentine's Meat Juice with one grain of arsenic in solution in it, and given also this bottle No. 10 as the source of it, a skilful analyst could have shown to demonstration whether that source of arsenic had been the one resorted to by the person who had placed the grain of arsenic in that bottle of Valentine's Meat Juice.

Appendix A.

My readers will see by referring to Appendix A, how exactly this would have been demonstrated, how easy it is, and that it ought to have been so demonstrated. If the Crown, when they put this charge upon Mrs. Maybrick, did not take the trouble to produce evidence demonstrating this, gross negligence has been shown, and such gross negligence is unpardonable, in any case where the life and liberty of the subject is at stake.

Now, let us see what the evidence was which Mr. Davies gave as to the source of the poison.

Mr. Davies.

At the Inquest Mr. Davies said :—

Q. Have you analysed a bottle of Valentine's Meat Extract other than this?

A. Yes, I analysed another sample.

Q. Are you able to say whether the first bottle was diluted?

A. Yes. I have taken the specific gravity of the liquid in the two bottles. In the one which contained arsenic I found the gravity *considerably lower*. From this fact I infer that arsenic has been added in solution, showing that water has been added. I don't know that all the bottles of Valentine's Meat Juice are the same specific gravity.

Q. Now, as to "No. 10 liquid," in a bottle, what do you say about it?

A. It is a saturated solution of arsenic with solid arsenic at bottom.

The Coroner: How much arsenic *do you think* there is in the bottle?

A. *I dare say* there may be *solid and liquid, perhaps* two grains. *To put it on the safe side, we will say there is a grain in the bottle.*

Mr. Pickford: I suppose you cannot tell us out of which these solutions, if any, the arsenic found in the Valentine's Meat Juice came from?

A. No. I have examined them under *a microscope*, but I could not state that.

The Coroner: It is possible, I suppose, that they have come out of any *except those which have the carbon mixed with them?* Valentine's Meat Juice.

A. Yes.

At the Magisterial Inquiry Mr. Davies' evidence was:—

"No. 10 is a saturated solution of arsenic with a little solid arsenic at the bottom."

Q. *The Valentine's Meat Juice* [produced] *has not had arsenic mixed with carbon?*

A. *That is my opinion.*

Q. You have looked for that in consequence of arsenic being mixed with carbon among these bottles?

A. Yes; but there are bottles in which there is no carbon.

Q. As a matter of fact both the solutions of arsenic mixed with carbon would have been difficult things to give without detection?

A. As they exist at present they certainly would.

Q. I believe it is also a fact that you have not found in the solutions of arsenic in this bottle any traces of vegetable fibre such as are found in fly-papers?

A. No, I have not. I have looked for them, and I have found no fibre that I could be sure came from fly-papers.

Q. You have had experience in vegetable fibres from fly-papers before?

A. Yes. It would be possible to remove them by filtering.

Q. Had the bottle of Valentine's Meat Juice been diluted?

A. It had. The specific gravity was *reduced very much.*

At the Trial Mr. Davies' evidence was:—

Q. Can you tell me whether the arsenic had been put into the Valentine's Meat Juice in solution or solid?

A. It had been put in, I believe, in solution, because there was no solid arsenic in it. *I examined it carefully, and the specific gravity of it was less than that of another sample which did not contain arsenic.*

Q. Did you test another bottle of Valentine's Meat Juice found in the box?

A. Yes. I did.

Q. And that?

A. That was free from arsenic, and I also tested another sample which was sent to me from the importers, and there was no arsenic in that.

Q. Now what did you find in bottle No. 10? What did it contain?

A. It contained a saturated solution of arsenic with a small portion of arsenic at the bottom.

Q. *Do you know in what it had been dissolved?*

A. *Water.*

Q. What do you mean by a *saturated solution?*

A. *I mean the point at which water will not dissolve any more.*

Now I have given the whole of the evidence by means of which the Crown sought to connect Mrs. Maybrick as having access (on account of the solutions of arsenic having been found *after death* in the dressing-room, into which she took a bottle of Valentine's Meat Juice on the Thursday night, the 9th of May) to the "arsenic in solution" which was found in the bottle of Valentine's Meat Juice which Mr. Davies analysed, and I submit to my readers that there are two flaws in that evidence, a flaw in the identity of the bottle of Valentine's Meat Juice, and a flaw in the identity of the source of the "arsenic in solution" which was found Flaws in identity.

Valentine's Meat Juice.

by Mr. Davies—and that as a consequence not only is the chain of evidence incomplete, but that there is not a single complete link in the whole chain of either direct or indirect evidence to connect Mrs. Maybrick with the arsenic which was found either in the Valentine's Meat Juice, or in the house, or in the body of James Maybrick.

THE FOOD AT THE OFFICE INCIDENT.

Food at the office.

It is almost impossible to conceive in what way, and at what point, the evidence brought forward during these proceedings could be supposed to connect Mrs. Maybrick with anything which was found at the *office*. What is referred to is, that in addition to the 12 medicine bottles found in the desk, and 12 others found in other places in James Maybrick's office in Liverpool (some of which were without labels), and to a "box of corn plasters" and a "syringe" which Inspector Baxendale found, and handed to Mr. Davies, the analyst, on the 18th of May, a week after death, Mr. Davies received on the same day from Edwin Maybrick what is specially described in the following odd way (see Appendix B). It is very odd that the police should have allowed Edwin Maybrick to take these things instead of taking them themselves!!

Appendix B.

No. 27. Pan, basin, and jug.
Received from Mr. Edwin Maybrick, on the 18th of May, being the utensils used by the deceased in his [Edwin's] presence.

And now as to the analysis, of which Mr. Davies gave the following evidence:—

Mr. Davies.

At the Inquest Mr. Davies said:—

Q. Now tell us about the basin and jug, Mr. Davies?

A. The *pan* and *basin* were *apparently* clean, but in the jug, about two inches from the top, and sticking against the side, there were little bits of slightly brownish dry substance like farinaceous food. I poured some distilled water in the pan, rinsing it well round, and then poured it into the *basin* and washed that round to remove anything that *might be adhering to the sides of the basin*. I then poured the whole into the *pan*. I heated it to boiling again and then poured it into the *jug*, shaking round until I had *dissolved* what was sticking to the surface. When I got it perfectly clean, *as I only anticipated a very small quantity*, I concentrated it to a small bulk by boiling and evaporation, and tested the whole by Reinsch's test for arsenic. I obtained *distinct crystals of arsenic*. I boiled a second time, and got that decidedly stained, too.

The Coroner: How do you describe the arsenic? Do you say it is a *trace* or *more than a trace*?

A. I cannot say *more than* a trace—but a very distinct trace of arsenic.

Q. You had not *much material* to work upon?

A. No. I found *two pieces* of this condiment adhering to the inside of the *jug*. The largest was about half an inch long and about the tenth of an inch thick. I got a new *pan* of the same kind, *wiped it out*, and boiled water in it for about an hour to a small bulk, and tested that for arsenic, *lest it might have come from the glaze*. I found none.

Food at the office.

This was the whole of Mr. Davies's evidence, as given at the Inquest. My readers know what Mr. Davies says he means when he uses the word "*a distinct trace*," viz., something between $\frac{1}{100}$th and $\frac{1}{1000}$th part of a grain—that he could weigh up to $\frac{1}{1000}$th part of a grain, but that he should not consider anything under $\frac{1}{100}$th part of a grain satisfactory, or such as he could guarantee to be free from impurity; and, as he did not weigh what he found, we must assume that, whatever this "distinct trace" was, it was not weighable. Well, he says in this evidence he found a distinct trace of arsenic—but in what? He does not say he found it in the pan, or in the basin, or in the jug, but by a process which strikes me as a remarkably careless process for an analyst, but which he describes most elaborately, and which I think I may describe as the "Davies process," for I do not think it would have occurred to any other analyst to whom a pan, a basin, and a jug were submitted for analysis, he rinsed them out in water, one after the other, and mixed all the rinsings together in such an effective way that no human being could possibly say whether this "distinct trace" of arsenic came out of the pan, the basin, or the jug. This "Davies process" appears to me to be a most notable example of the art of "How not to do it!"

The Davies' process.

But, however, the idea having occurred to him that this trace of arsenic might have come out of the glazing of this pan or basin or jug, and not out of the rinsings of the three put together, he obtains a new *pan*, and having *wiped* it out (he does not explain why), and finding none in some water he boiled, he came to the conclusion that the trace of arsenic he found could not have come from either the glazing of the pan, or of the basin, or of the jug, and he forthwith jumped from that conclusion to the still more reckless conclusion that the trace of arsenic must have come from the two pieces of food, "the largest of which was about half an inch long and a tenth of an inch thick," which were sticking to the side of the *jug*, and could not have come out of the rinsings of either the pan, basin, or jug!

Now, is it not almost wicked for an analyst—a man trained to an exact science which draws no conclusions except upon ascertained facts—like Mr. Davies to give expression to such conclusions as he formed about where the distinct trace came from as evidence on oath *against* his neighbour? And I should like Mr. Davies to make a calculation and tell us—seeing he found "a distinct trace of arsenic" in, as he says, two such tiny particles of food—how much arsenic James Maybrick must have eaten in his whole lunch. Would it amount to an ounce of arsenic—enough, for example, to kill one hundred people there and then?

I must now give Mr. Davies's evidence at the Magisterial Inquiry:—

Food at the office.

"Upon the basin and jug found in Mr. Maybrick's office, in which his lunch was supp'ied, I obtained a distinct trace of arsenic. There must have been a good deal of arsenic in the jug originally, judging from the quantity found in the two small particles of food adhering to the side of the jug."

Now, how Mr. Davies, after the elaborate evidence of how he obtained this "distinct trace" of arsenic, could dare to go into the witness-box, and swear as evidence *against* his neighbour that he had found that *distinct trace* in the two small particles of food in the *jug*, which he had *dissolved* in the rinsings of the pan, basin, and jug together, passes my conception of recklessness. It is simply shocking! and it is simply untrue, because he had not found it in the food at all! but in the water in which he rinsed out a pan, a basin, and a jug.

At the Trial, Mr. Davies said:—

"No. 27 of the list, was the pan, basin, and jug, which he received for examination. Pan and basin, when first examined, were apparently clean, but under the ledge of the jug were two little drops of dried skim, rather less than a quarter of an inch long, such as might have come from gruel. I boiled the water in the pan and poured it into the basin, thence back to the pan, and then into the jug, after having made the water boiling hot again. I then rinsed them out again with distilled water, and reduced the bulk, which I tested for arsenic."

Q. With what result?

A. I got a distinct stain in the first instance, and with Reinsch's test afterwards I got very marked and distinct crystals of arsenic [sensation]. I then bought a new pan of the same kind as the other, and boiled distilled water in it for two or three hours, and reduced it to a small bulk, and tested it for arsenic, thinking there might be something in the glaze.

Q. Where, then, do you think the arsenic came from?

A. The only possible thing from which it could have come was the substance adhering to the jug.

Q. Can you say whether there was any considerable quantity of arsenic in the original mixture?

A. There must have been, because the quantity of solid which was in the test was very small, only about a grain. I took all the fluid because I scarcely expected to get any trace.

And in cross-examination:—

Q. Now, in reference to the *pan*, *basin*, and *jug*, you can see from the appearance of the *jug* that it had been standing a considerable time—unused, I mean?

A. It was clean. Do you mean it was dusty?

Sir Charles Russell: I wish you would attend to me, Mr. Davies. Can you say if it *had been unused for some time?*

A. *No, I cannot.*

Q. Had it the appearance of being recently used?

A. It was clean, that is all I can say.

Q. You cannot judge?

A. No.

Q. You found adhering to the side of it two small bits?

A. That was the *jug*.

Q. Do you understand what I am talking about?

A. I think you are speaking about the *jug*.

Food at the office.

Q. Can you, in your judgment, say if the *jug* had been recently used or not?

A. It was some time, because the *particles on the surface were quite dry.*

Q. Therefore you came to the conclusion it had not been recently used?

A. *Not within the last day or two.*

Q. Particles were sticking to the side, and they were hard and dry?

A. *They were dry.*

Q. And *hard?*

A. *I did not touch them. They were dry.*

Q. Is it a fact, from what you say, *the glazing of the pan in which the food was boiled contained arsenic?*

A. *No; not to my knowledge.*

Q. Do you really say that?

A. I do.

Q. *Have you tested it to see whether the glazing was arsenic?*

A. *I have not tested it;* but I put some boiling water in a *new pan* to see if any of the glazing came off.

Q. *Do you know that in this glazing there is arsenic?*

A. *I do not know.* I have looked through a number of books to see whether glazing contained arsenic, and I have not known of it.

Q. *Why did you not test the glazing?*

A. *Because I considered the test I put it to was satisfactory—boiling water.*

Q. If there was arsenic in the glaze, would not *the acid set it free?*

A. *Not unless the acid was strong enough to make holes in the glaze.*

Q. Did you carry out your experiment in the *pan?* Did you have your hydrochloric acid in the pan?

A. No.

Q. I do not know whether you can say that the *jug* had been used for cooking purposes, or whether it would generate acid?

A. *I think there was no time* to generate acid *from the time it left the house till the time it was poured out at the office.*

Now, I must stop for one moment here. What in the world did this analyst know about this? What does an analyst know about when a jug left a house or when it had been poured out at the office? How did Mr. Davies know anything whatever about this? Somebody had told him, I suppose, that the jug had left the house on a certain day, and that it had been poured out at the office on a certain day, but what day was it? and who had told him? This is not evidence, anyway; but I have interposed this remark here for the purpose of referring to the *day* thus mentally, if not analytically, referred to by Mr. Davies. Sir Charles Russell's next question was—

Q. I am not speaking about that.

A. *Well, the quantity was such a minute quantity it could not generate it before it was dry.*

Q. May not the acid have generated *before it was dry?*

A. I think not *before, the quantity was so minute.*

Q. I think you said before this that all you could say was that you *could not say any more than that there was a distinct trace* of arsenic?

A. That is what I said.

Q. You do not know anything of the history of the jug which was brought from the house?

A. *I know nothing except what I heard.*

Food at the office.

Q. *Do you know whether there was more than one jug?*
A. *I only heard of one.*

Now I shall put it to my readers that Mr. Davies never found anything which he could guarantee to be arsenic at all. That he himself has said when he speaks of a *distinct* trace—he means something between $\frac{1}{100}$th and $\frac{1}{1000}$th part of a grain. That he did not consider anything under $\frac{1}{100}$th part of a grain satisfactory, or such as he could guarantee. I shall further put it to my readers that neither Mr. Davies nor any other man could tell whether what he did find came out of the *jug*, the *basin*, or the *pan*, certainly not that it came out of the two small particles of food in the *jug* which he had dissolved in the rinsings of the *jug*, *basin*, and *pan* by boiling them all together. Mr. Davies professed ignorance of whether the glazings contained arsenic. Mr. Davies must be an extremely ill-informed person if he did not know that arsenic is very largely used in the manufacture of such utensils as this pan, basin, and jug.

Dr. Paul.

For the Defence Sir Charles Russell called to speak on this subject Dr. Paul, Professor of Medical Jurisprudence at University College, Liverpool, and Examiner of Medicine and Toxicology to the Victoria University, and he, at all events, knew something about it.

Q. There are one or two smaller matters I must ask you about. In the first instance, you recollect the pan produced by Mr. Davies?
A. I do.
Q. The glazed pan?
A. Yes.
Q. Have you seen a pan made in the same way? Glazed in the same way?
A. I believe so.
Q. Did you examine yourself some of these pans?
A. I did.
Q. Have you them here?
A. I have not them here.
Q. It is a great pity you do not produce them. In how many minutes can it be sent for?
A. In a quarter of an hour.
Q. Can any one go for it and bring it here?
A. Perhaps Dr. Tidy would go for it.
Q. Are you satisfied yourself whether arsenic enters into the glazing of these pans?
A. I have found arsenic in all the pans I have examined of this class, in the glazing.
Q. I want to ask you how the arsenic in glazing is set free?
A. Anything that will tend to corrode the pan at all.
Q. Does that mean any acid?
A. Yes.
Q. According to the degree or the strength of the acid the arsenic will be set free in a greater or less degree?
A. It will.
Q. *Would this show in any marked way on the glazing?*
A. *No, not unless it was carried to a great extent.*

Q. Well, will you just tell us what experiment you tried to show whether there was arsenic or not? Food at the office.

A. *I added a little acid to some boiling water in the pan, and then applied Reinsch's test to the result and found the copper was coated with a film of arsenic. I tried it four times over with four different pans.*

A pan was then handed to the witness, which he stated was exactly similar to the ones which he tested, and apparently of the same manufacture.

And Mr. Addison cross-examined him upon this.

Q. The arsenic was found by Mr. Davies after the ordinary preparation of food?

A. Yes.

Q. I think he said he detected none after boiling water. The pan was one such as you have here. What did you use?

A. Hydrochloric acid.

Q. What quantity?

A. About one in ten. I have tried it with *soda* and found this enamel on the pan contained arsenic.

Q. Did you try the experiment with warm water?

A. I did.

Q. Could you detect arsenic on the pan?

A. Not simply with warm water. I examined it by Reinsch's test.

Now, I will even hazard the assertion that there is not a single one of my readers, unless he belongs to the class of a Liverpool Common Jury, who will not come to the following conclusions from this evidence as to the discovery of arsenic in the food at the office—that Mr. Davies never really found any arsenic at all; and that if he did it came out of the glazing of either the *pan*, the basin, or the jug; and that it would be impossible from the way in which Mr. Davies conducted his experiments to say which; and that it was not shown, in a way to commend itself to any intelligent mind, that it came out of the particles of food which Mr. Davies took no trouble about when *dry*, and which he dissolved in the sort of soup he made of the rinsings of these three vessels, in which rinsings (not in the particles of food) he says he found a "distinct trace" of arsenic.

Do my readers intend to permit the Crown to expose any person to the horrors of a criminal prosecution upon any such palpably "cock and bull" story as that which Mr. Davies had to tell about this pan, basin, and jug?

The next thing we shall have to consider is the history of the *pan*, *basin*, and *jug* themselves.

The evidence is this—

Thomas Lowry, Mr. Maybrick's clerk at the office, said:— Thomas Lowry.

"I recollect Mr. Maybrick coming to the office on *the 1st of May*. *He* sent me out to buy *a saucepan*, *a basin*, and a spoon. The articles produced are *something like* those I purchased. Upon giving the articles to Mr. Maybrick he poured some liquid out of the *saucepan* and out of the *jug* and put it on the fire, and he afterwards partook of it. The *vessels were then left in the office*. On the next day, *May 2*, *when he came to the office* he was not very well. He had his lunch, and warmed his food as he had done the previous day. He

Food at the office.

only took some of it. On Friday, *the 3rd of May*, he was down at the office, but he was never there after.

Eliza Busher.

Eliza Busher, the charwoman, said :—

On the morning of *May 2*, I washed the *pan and other vessels produced*. On the following morning, *May 3rd*, I saw that *the vessels* had been used again, and that particles of food were left adhering to them, some white and some black. I cleaned the vessels and put them on the mantelpiece.

Taking the evidence of these two witnesses from the office as it stands, there is evidence as to where the *pan* and *basin* came from—that Thomas Lowry had purchased some that were something like them! but there is no evidence where the *jug* came from. There is evidence that there were three vessels there on the Wednesday, 1st of May, viz., a pan, basin, and jug, and also a spoon—which was also analysed, by the way, and found free of arsenic—and that James Maybrick used them at lunch on that day, and *left them at the office*, and the charwoman cleaned them the next day. There is also evidence that James Maybrick used these *same vessels* on the next day, Thursday, *the 2nd May*, and that the charwoman cleaned them on the following morning, putting them on the mantelpiece. What she washed them with, whether she had been washing anything else in the same water or not, nobody knows and nobody cares! but there is evidence that he did not take his lunch in this way on *Friday, 3rd*, or that the charwoman washed these vessels the next day.

Dr. Carter.

My readers will remember *Dr. Carter's* dogmatic opinion, that the "fatal dose" was given on *Friday, the 3rd of May.*

Elizabeth Humphreys

The next evidence relating to any of these three vessels is that of *Elizabeth Humphreys*, the cook, at the Trial :—

"At about eleven o'clock on the morning of *Monday, the 29th of April* Mrs. Maybrick brought in some Du Barry's food which she asked me to prepare. She gave me *a brown jug*, and said the master was going to take the food to the office. I do not know what became of it. I prepared the food for taking down to the office about four times altogether during the week. I never gave the jug to Mr. Maybrick myself. I handed it to Cadwallader."

Cross-examined :—

Q. Now, as regards the food on the 29th April, you said you got a tin of the food from Mrs. Maybrick?

A. Yes. It was Du Barry's food.

Q. Was it a fresh tin, and unopened?

A. Yes, it was a fresh and unopened tin which had been sent for.

Q. We have heard that your master did not take much of that; it was brought down to the kitchen uneaten?

A. A good deal of it was.

Q. That was on the Tuesday, I think?

A. Yes.

So according to this evidence, the *jug* which went down to the office was returned to the house on Tuesday, the *30th* of April, and

he had taken very little of the Du Barry's food which the cook had prepared in it out of a freshly-opened tin which was handed to her. It does not appear whether it was the same *brown jug* which went down each day. Food at the office.

[NOTE.—*Cadwallader, the parlour-maid, informs me that there were several of these brown jugs at the house, and that they were jugs in which Wigtonshire cream is sent out; and she does not remember whether the same jug was always used or not.—A. W. McD.*]

Mary Cadwallader's evidence at the Magisterial Inquiry was— Mary Cadwallader.

"I did not tie up the lunch Mr. Edwin Maybrick took with him for the deceased. I did not see Mrs. Maybrick tie it up, *but I believe she did.*"

Then *Mary Cadwallader's* evidence at the Trial was—

"On the Tuesday, the 30th, I remember some food being prepared for him. It was prepared by the cook to be taken to the office. The cook handed it to me, and I took it upstairs to Mrs. Maybrick. There was no person else there at the time. Mrs. Maybrick said she wanted it wrapped up, and I went for paper and string, afterwards going down into the kitchen. Afterwards I came up again into the room, and found that Mrs. Maybrick had wrapped up the parcel. Two or three times food was prepared in this way, and one morning the master forgot it."

So that the cook, having prepared the food from a freshly opened tin of Du Barry's food, and having put it in a *brown jug*, she handed it to the parlour-maid, who took it up to Mrs. Maybrick, and Mrs. Maybrick having asked for some paper and string, tied it up. Mary Cadwallader remembers this being done on two or three occasions, but only specially mentions the *Tuesday, 30th of April*, and on one morning he forgot to take it to the office.

Surely, now that the excitement of the "Maybrick Mystery" is past, there is no "suspicious circumstance" in all that. Is it not exactly what happens in every household, where husbands go down to their office, and take their lunch with them, that the cook prepares it, the parlour-maid takes it up to mistress, and the mistress ties up the parcel neatly for the husband to take down to the office!! How can any one manufacture "a suspicious circumstance" out of any of that?

Edwin Maybrick, at the Inquest, said:— Edwin Maybrick.

"On Wednesday, the 1st of May, I was in Liverpool, and saw the deceased at his office in town. *He said he was unwell*, and from my own observation I judged that he was rather unwell. *This was before luncheon, and after luncheon he was not so well as he was.* He had had something which had been brought down from Battlecrease—some farinaceous food or arrowroot."

"On Wednesday, the 1st of May, I took down to the office a parcel which I had received from Mrs. Maybrick. It was tied up in brown paper. I did not then know its contents, but Mrs. Maybrick said, 'This is your brother's luncheon, and you might take it to the office.' When I gave the parcel up, the

Food at the office.

deceased opened it in my presence, and I then saw that it contained a small brown earthenware jug. The contents of the jug were put into a saucepan at the office by the deceased. I saw the deceased open the jar, warm the food it contained in a saucepan, and partake of the food. I did not know who had tied up the jar which Mrs. Maybrick gave me to take to town."

Edwin Maybrick, at the Magisterial Inquiry, said—

"On Wednesday, the 1st of May, I was in Liverpool, and saw my brother at his office between eleven o'clock and twelve o'clock. He looked decidedly better than he had done on Sunday. I saw him take his lunch which I had brought from home for him. It consisted of some farinaceous food or arrow-root. It was wrapped in brown paper and tied up. I received it from Mrs. Maybrick. I saw my brother put it into the pan [produced]. He heated it on the fire, and afterwards poured it into the basin, from which he afterwards ate it. Later in the afternoon, when I saw my brother, he was not so well."

I must call attention to the fact that at the Inquest Edwin Maybrick said that his brother complained, and that he himself observed, that he was unwell *before* he took his luncheon, as well as after it; but at the Magisterial Inquiry he kept back the fact from the Magistrates that he was unwell *before* his luncheon.

Then *Edwin Maybrick's* evidence at the Trial was:—

"On Wednesday, May 1st, deceased went to business, and witness took him his luncheon, in a brown jug, from the house. It consisted of farinaceous food, which was warmed in a saucepan, and deceased, after eating it, said the cook had put sherry in it, which she knew he did not like. He afterwards said he had not felt well since his luncheon, and at dinner, at Battlecrease, the same night, he was not so well as in the morning."

And in cross-examination:—

Q. Now, as to another matter. What was the day on which you took down food to the office?

A. Wednesday, 1st of May.

Q. Can you tell me if the previous occasion on which food was taken to the office was on the Tuesday?

A. The only days on which food was taken down were Wednesday and Thursday.

Q. So for as you know, food was not taken down to the office except on those two days?

A. So far as I know.

Q. Now, I ask you this: Did you learn how the food affected your brother on the Wednesday; do you suggest that he was sick after it?

A. By sick do you mean vomiting?

Q. Oh, no. I do not suggest any such thing.

A. No, I have never stated that. I spoke to him on that occasion, and he said that he did not feel so well since his lunch.

Q. Is it not the fact that on that same day he dined at home in company with your wife?

A. I beg your pardon, I am not married.

Q. Oh, it is my mistake. The company consisted of Captain Irving, of the White Star Line yourself, your brother, and his wife?

A. Yes.

His Lordship: The food was taken down by you on Wednesday, and by some one else on the second day; which day was it when you asked him how he felt, and when he said he did not feel so well after luncheon? Food at the office.

Sir Charles Russell: That was on Wednesday, my lord; it was the day when he had dinner at home with Captain Irving and his brother.

I have now set out all the evidence which was given about these three things—the *pan*, *basin*, and *jug*. Out of the rinsings of all three mixed together Mr. Davies found, or said he found, a distinct trace of arsenic, and I think I may put it to my readers that if this Maybrick Trial had simply been a trial by jury instead of a trial by counsel and judge, there could not have been found even a Liverpool Common Jury who would not have exclaimed: "Well, suppose he did! what has Mrs. Maybrick got to do with all this?"

I am, as I said at the commencement of consideration of the Food at the Office incident, myself unable to conceive in what way or at what point the evidence produced during these proceedings could be supposed to connect Mrs. Maybrick with anything which was found at the office. But I want to direct the attention of my readers, when considering how criminal trials are conducted, to the way in which Mr. Addison—who is said to have represented the Crown fairly—and Mr. Justice Stephen—who is not said to have, but whose duty it was, to represent Justice herself—said about this incident.

Mr. *Addison*, in his closing speech for the Crown, said:—

"On the 1st or 2nd, according to Mr. Edwin Maybrick, he [Mr. James Maybrick] took it down himself, and on the next day he says that he had not felt well since that lunch. I shall not go minutely into the matter of the presence of arsenic in the food, but must remind you that the food was brought down in a *jug*, warmed by him in a *pan*, newly bought, and taken by him in a *basin*. Then I ask where is the arsenic found? The *basin* was cleaned out by Mrs. Busher; the poison was not found in the *pan*, it was found in the *jug*."

Sir Charles Russell rose and objected to this statement, remarking that Mr. Davies had washed out both the *pan*, *basin*, and *jug*, and boiled the contents of all in hydrochloric acid.

Mr. Addison said he would assume that Sir Charles Russell was right. It might be the washings were mixed with what came from the basin and from the pan. "All I can say is that Dr. Paul has made experiments to show that he could get from a glazed basin a quantity of arsenic by acid, and Mr. Davies had carefully tested a basin by boiling water in it, and had not been able to get anything at all, and, according to Mr. Davies, unless the acid had been put into the food which was boiled, the only inference would be that there was arsenic in it to begin with."

The Judge: I have here got my notes of Mr. Davies's evidence: "I poured the water in, and washed the jug out, then reduced the bulk of water, testing it for arsenic, and found distinct traces of arsenic. I bought a new pan, and boiled distilled water in it to see if there was arsenic in the glaze, but got none."

Sir Charles Russell: If Mr. Davies is here he will tell you that what I said is correct. Mr. Davies.

Food at the office.

The Judge (to Mr. Davies): What was it?

Mr. Davies: I washed the *pan*, *basin*, and *jug*, and put the washings together, but the acid was not added into the *pan*, the *jug*, or the *basin*.

Mr. Justice Stephen.

But, notwithstanding even this very marked correction of the Judge's own notes, Mr. Justice Stephen summed up that evidence to the Liverpool Common Jury thus:—

"I may just observe that really nothing seemed to come of what was in the office—with one exception—*the jug* in which there was a certain amount of arsenic said to be found when the contents of the other vessels had been washed."

. . . . . .

"The deceased ordered Thomas Lowry the clerk to buy a *saucepan*, a *basin*, and a *spoon*. He poured the liquid out of the *jug* into the saucepan and cooked it. It *was proved* that there was some very slight trace of poison found *in the inside of the jug*, and that was boiled up with other matters, so as to suggest some amount of arsenic in it. Elisabeth Busher, the charwoman, who cleaned Mr. Maybrick's office, washed out the *saucepan* and the *jug*. But she could not get her hand into the latter, you see. It is a small jug which she could not possibly get her hand in to clean it out thoroughly, but she washed it. There was one morning in the jug a dark sediment at the bottom, and the next a white.

"The first point Dr. Paul mentioned was an entirely new one, and that was about this pan. Mr. Davies, the analyst, said that he washed out the pan, and the two other vessels, and that in the course of doing so he cleared away certain films which were in this *jug*. Testing the result for arsenic he found that poison. He stated that the only place it could have come from was the *jug*. Well, that would be an important piece of evidence. It occurred to Mr. Davies, however, that there might be arsenic in *the glaze* of *the jug*, or in the glaze of some of the other things, and accordingly he tested it with distilled water with which he washed out the vessels. Now, of course, the very object of distilling the water was that it should be quite pure, and nothing in it except what was got out of the particular vessels. 'Well,' says Dr. Paul, 'I put in some acid and I dissolved by putting in the acid a portion of the glaze, and when I examined the solution which contained some portions of the glaze of the vessel I found arsenic.' So he supposed there was arsenic in the glaze of the vessel.

"No doubt that is a perfectly fair thing to say, and there is not a word to be said against the doctor for saying it. But the analyst, Mr. Davies, did not put in acid, *and he did not find arsenic in the liquor which came from the vessels.* That is to say, he might have found some arsenic probably if he had put in acid tending to dissolve the arsenic and set it free—which arsenic is contained in the glaze—but he did not put in that acid. He wanted to test what was in the vessels themselves, and accordingly he put nothing into them. He did not wish to put any acid into them *except such as might be contained in the fragments of Du Barry's food which was found in the vessels.* It is therefore the result of Dr. Paul's evidence, as it strikes me, that you get arsenic by dissolving the *glaze of a jug* of exactly the same make and the same composition. Yet, it is the fact that the *jug* was not treated in such a manner as to set the arsenic free. If that was not done the *jug* itself would not affect anything that was put into it with arsenic, unless those things contained arsenic. This is the position in which the thing stands. If the little fragments of food which remained in the jug owing to defective washing – if they contained arsenic—you would detect it by washing the *jug* up quite clean, and then applying the proposed test as described by Mr. Davies, and *nothing was found to contain arsenic except the food.* But it does not follow that the vessels themselves would com-

municate arsenic unless that arsenic was put in by somebody else. I must say when we get highly experienced chemists against one another, we are involved in great difficulty. I have told you, and you must consider whether you think it worth anything, or whether the inference ought to be that no arsenic was present in the jug." Food at the office.

Now my readers have got the evidence before them, and they must consider whether they intend to permit criminal trials to be conducted in this way. It is not merely a question affecting Mrs. Maybrick, it is a question which may affect any one of us some day, whom the police may fasten a charge of crime upon by means of "suspicious circumstances."

CLAY AND ABRAHAM'S MEDICINE BOTTLE.

Clay and Abraham.

This bottle is described in the printed list (Appendix B), under heading :—

"List of bottles found in Mrs. Maybrick's dressing-room, on the 18th of May, 1889, by Inspector Baxendale." Appendix B.
"No. 3. Medicine bottle. Clay and Abraham. 24th April, 1889. 246,34, containing small quantity of dark thick fluid."

In connection with this bottle of medicine—which had been made up by Clay and Abraham for, and delivered to, James Maybrick, personally, from a prescription of Dr. Fuller's—I must mention another bottle of another sort of medicine, also prescribed by Dr. Fuller, and also made up by Clay and Abraham, for James Maybrick, personally, at the same time, and which was found half full at his office, and in which no arsenic was found. James Maybrick.

This other bottle is thus described in the printed list (Appendix B), under heading :—

"Bottles found locked up in Mr. Maybrick's private desk in office, by Inspector Baxendale, 18th May, 1889."
"No. 6. Mixture. Clay and Abraham. Page 246,349. Date, 24th April, 1889. Medicine bottle. Contents—light yellow liquid."

A good deal has been made of the fact that in the bottle found in the house, Mr. Davies found a trace of arsenic, but that he found none in the bottle, prescribed at the same time, at the office.

[NOTE.—*Dr. Carter in an article in the "Lancet" of 21st Septr., 1889, made the following references to these two bottles. He says, as regards the one at the house :—* Dr. Carter.

"I did not know until much later that Mr. Maybrick had vomited on the morning of the races [the 27th of April], and that he attributed this vomiting to an overdose of some *aperient* medicine. . . .
"A few drops of the medicine were left at the bottom of the bottle, and were found, on analysis, to contain arsenic. The bottle was accessible to her [Mrs. Maybrick]. Similar bottles found at the office contained no arsenic."

Clay and Abraham.

In his article in the "Lancet" Dr. Carter stated this among what he described as the "serious facts" of the case on his own authority, and he was publicly challenged by me to substantiate these facts, as will be seen when I come to refer to Dr. Carter's part in these proceedings. He reproduced these words in an article in the "Liverpool Medico-Chirurgical Journal" of January, 1890, *merely guarding himself from personal allegation of them by the qualifying phrase—*

"The case as ultimately presented to the Jury was briefly as follows,"

and then he quoted, verbatim, the list of "serious facts" which—in the "Lancet" of the 21st Sept.—he had set out as allegations of his own. Now, of course, Mrs. Maybrick had access *to everything in her own house—most wives do; and in this house nothing was locked up, except Mrs. Maybrick's wardrobe (and no poison was found in that), and therefore Mrs. Maybrick and all the other inmates of the house had* access *to this bottle of medicine, as well as to all the* 200 *other bottles which the police found in the house, and which, on analysis, were found to contain nothing; and, of course, Mrs. Maybrick would not* have access—*few wives have—to anything in the private desk at the office. Two of the "suspecting five" had access to both the bottle at the house and to the bottle at the office, if there is any significance in the word having access to them; but Dr. Carter points out that she had access to the one at the house but not to the one at the office, as if there was something remarkable in that! There is nothing, however, remarkable in that, except in Dr. Carter mentioning it. But Dr. Carter was not satisfied with* insinuations, *he went on to state, as a* fact, *that the bottle found at the office was* similar, *and Dr. Carter knew that that fact was not true! and, knowing this, he wrote his articles —while Mrs. Maybrick was lying in Woking prison—apparently (indeed, the whole tone of both his articles made his object not only* apparent *but* evident) *for the purpose of driving home such like "serious facts"* against this neighbour of his—*against Mrs. Maybrick—at a time when she was lying safely locked up in Woking Jail, an absent and deserted defenceless woman.—A. W. McD.*]

Bottles of different medicine. One at home, the other at office.

Now these two bottles of medicine were not similar; they were, in fact, two entirely different prescriptions. I do not think it is necessary to encumber this argument by suggesting that there was any mistake in the dispensing these two different kinds of medicines; in fact, the greatest care seems to have been shown by Mr. Davies to ascertain that the ingredients, as supplied by Clay and Abraham, of which this bottle of medicine were composed, were free from arsenic. But still sometimes chemists and chemists'

assistants do accidentally put different ingredients into medicines than those prescribed, and as transpired at this Trial, such an accident had on a former occasion actually happened at this establishment of Messrs. Clay and Abraham. If, however, no such mistake did occur, the evidence at the Trial showed conclusively that the ingredients ordered by the prescription contained no arsenic, and not only were the different bottles from which the chemist's assistant in dispensing the medicines ought to have taken the ingredients, chemically analysed, and found free of arsenic, but the chemist's assistant was called as a witness, and was clear that he had made no mistake, and the only observation I need make about that part of the matter is that Mr. Justice Stephen was apparently in such an excited state of mind about the Maybrick mystery, and had got his mind so full of the words, "sick unto death," in Mrs. Maybrick's letter, or something else, that he took this chemist's assistant for a *boy*, and having spoken of him as a *boy*—

Clay and Abraham.

Ingredients.

"Is this the boy, Mr. Davies, who gave you the samples of the various ingredients from which the samples were made up?"

Mr. Davies: This is the gentleman, I believe, who made up the prescriptions, and who gave me samples of each ingredient used.

And the next day Mr. Justice Stephen made a dignified apology to this *boy*.

Mr. Justice Stephen and "the boy."

"I have received a letter from Messrs. Clay and Abraham, chemists in this town, in reference to a witness who appeared yesterday. It seems I spoke of a witness named Tozer as a boy, whereas he is very much more than a boy, being over 30 years of age, and has, moreover, had much experience in his business in both London and Paris, and holds a certificate of the Pharmaceutical Society, empowering him to carry on business on his own account. Of all that I was unaware at the time I spoke of him in that matter. I heartily apologise to him, as I don't wish to hurt any young man's feelings."

Well, it is pretty plain Mr. Tozer was not a boy, but a full grown chemist's assistant, and he was sure he had only put the proper ingredients into the bottle. Still such mistakes do happen with full grown chemist's assistants, and, of course, it is not absolutely impossible that it happened in this case. If no such accident did happen, the evidence at the Trial made it clear that there was no arsenic in the ingredients prescribed, and if no such accident happened it follows that, if arsenic was found in that bottle, some one who had *access* to it must have put arsenic into it—but then everybody in that house had access to it. James Maybrick, who was himself an arsenic eater, among others had access to it, and at that time, in April, took his own medicines, and had himself got this very medicine made up at Clay and Abraham's, and not only had James Maybrick *access* to it. but every person in that household had access to it, because nothing was locked up, and, of course, amongst others Mrs. Maybrick had access to it.

Clay and Abraham.

Now, keeping this in mind, I will ask my readers to follow up the evidence about this bottle of Clay and Abraham's medicine.

Dr. Fuller.

Dr. Fuller's evidence at the Trial was—

"Those two prescriptions [produced] are the ones I prescribed on the 14th of April for him. The one is an *aperient*, and the other a *tonic*, with liver pills. On the following Saturday, April 20th, the deceased came to the house and told me that he felt much better. I examined him again and found him better."

C. Robinson.

Christopher Robinson, assistant to Clay and Abraham:—

"I recollect the late Mr. James Maybrick bringing a prescription to the shop on the 16th of April, and this was compounded in the ordinary way and handed to Mr. James Maybrick. I identify the two bottles produced. *They were given to Mr. Maybrick on the 24th of April.*

"Before they were handed to Mr. Maybrick they were carefully tested in the usual way. There was no arsenic in the medicine, and if Fowler's solution had been present, I should have detected it by the smell."

Sir Charles Russell: Do you see a mark on the top of the prescription, Bell and Co.—they are well-known chemists in London? Now, was that on the prescription when it was handed to you on the 16th?

A. It may or may not have been, I cannot say.

F. E. Tozer.

F. F. Tozer, chemist, in the employ of Messrs. Clay and Abraham, Castle Street, said:—

"He recollected prescriptions being brought to his firm by the late Mr. Maybrick to be made up. "C" prescriptions, he believed, he dispensed; also "D," though the mixture only. Of the "E" prescription he dispensed two articles; he compounded them according to the prescription. There was no arsenic in the ingredients."

Cross-examined by Sir Charles Russell: When you get a prescription to make up in certain proportions you have to measure or weigh the quantities?

A. Yes.

Q. Yes, if it is an article in the Pharmacopœia, but pills, I suppose, are already made up?

A. No, I have to make them.

Q. You don't keep them ready made?

A. We keep one or two ready made in the rolled mass.

Q. That is what I mean. You have the material ready made for some, and then you simply put them in the form of pills?

A. Yes.

Q. You don't compound them for the purpose of each particular prescription?

A. Some I do.

Re-examined: Part of one of the prescriptions was already made.

History of bottles.

Well, that is the history as given at the Trial of these bottles of medicine. The prescriptions were written by Dr. Fuller, and the medicines were dispensed at Clay and Abraham's, and handed to James Maybrick on the 24th. One of them he took to the house and it was empty, with only a few drops and sediment left in it, and the other he took to the office. One was an aperient, and the other a tonic. The one was a dark thick fluid, and the other was a light yellow one. What Robinson, the chemist's assistant, means by their being tested before they left the shop "in the usual way" I really don't know. I have seen a good many

chemists mix up medicines, but never saw them test them for arsenic—either by Reinsch's or Marsh's tests! I may tell my readers that Fowler's solution is a reddish liquid, and has a slight odour of lavender, because it is made with a little compound tincture of lavender in it, and that is what Robinson meant; but there are plenty of other things in a chemist's shop in which arsenic is present besides Fowler's solution, and arsenic itself has no scent; and so if *smelling* is the "usual way" of testing, that is not very conclusive!

Mr. Tozer does not seem quite clear as to which of the bottles he actually did dispense himself.

However, as I have said, we will not encumber, and indeed we need not encumber this argument with a suggestion that any mistake was made. The evidence—and it is all the evidence that was given—is before my readers, and beyond the fact that mistakes are possible in a chemist's shop, and had on a former occasion occurred in this particular chemist's shop, I must leave that evidence to my readers, with merely the remark that Mr. Davies analysed samples of the ingredients which (even if no mistake in dispensing did happen) he found free from arsenic.

Now, Mr. Davies analysed both these bottles of medicine. In the one found at the office containing light yellow liquid, and which was found half full, he found no arsenic. But in the bottle which is described in the printed list (Appendix B) in Mr. Maybrick's *dressing-room*, on the 18th of May, Mr. Davies found arsenic. His evidence as to what he found is important.

At the Inquest *Mr. Davies* said:—

"I analysed the mixture from Clay and Abraham's—a light-coloured liquid in a medicine bottle found in the desk. There was no arsenic in it. I analysed *the contents* of the medicine bottle from Clay and Abrahams' containing *a small quantity of thick dark liquid*, found in *Mr. Maybrick's dressing-room*, on the 18th of May, by Inspector Baxendale. When I got it there *were only a few drops* of liquid in the bottom, *perhaps 20 or 30 drops of thick fluid and sediment.* There was also some *sediment on the side of the bottle*, as if it had been lying down. I added some distilled water, shook it up well, and took about a third of the solution, and I got *strong evidence of arsenic.* I have since tested 20 drops of it, and from that quantity could *detect arsenic.*

"By Mr. Pickford: *Not enough to weigh in that case.* He could not, *by any possibility, get at the actual amount of arsenic which was in the bottle, but at the same time, it was more than a mere trace*, and this was in only a few drops of the liquid."

Mr. Davies' evidence at the Magisterial Inquiry was:—

"In the medicine bottle [Clay and Abrahams—found at the house] there was about half a teaspoonful of dark thick liquid with sediment. I added distilled water, shook it up, and took a third of that. I found arsenic. And as in 20 drops of this I could *detect arsenic distinctly* there must have been *a moderately small quantity in the bottle.*"

Clay and Abraham.

At the Trial *Mr. Davies'* evidence as to the bottle at the house was :—

"A bottle labelled : 'Mixture, a sixth part to be taken early every morning. James Maybrick, 24th April.' That was from Clay and Abrahams. There was a very small quantity of thitk liquid in the bottle, *perhaps half a teaspoonsful.* There was also some thick material adhering to the side as if it had been lying on its side. I put some distilled water in and shook it well and *took half for* examination. *I found very distinct evidence of arsenic. I could not tell the amount of arsenic I found.* It was *not enough to make a quantity for examination, but there was distinct evidence of arsenic—more than a trace.*"

Cross-examined :—

Q. Where were the bottles made up by Clay and Abraham ?
A. One was at the office and the other was at the house.
Q. Were they counterpart prescriptions ?
A. They were made up from the same sheet but they have not the same prescriptions.
Q. They were different ?
A. Yes, totally different ?
Q. You did not attempt—in fact, you had no materials to attempt to make a quantitative analysis of the traces of arsenic discovered in one of the two bottles of Clay and Abrahams' [the one at the house] ?
A. *No, the quantity was too minute, and I thought it better to leave it because I did not know but that it would be required by some one else.*

No weighable arsenic.

Well, now ! I should like to ask my readers if any of them could say that Mr. Davies found any arsenic at all. He had got this bottle, with its sediment at bottom and on the sides, and arsenic is very heavy and would be in the sediment, if anywhere, and he found nothing *weighable* in it. All he found in it was "strong evidence of arsenic," and "more than a mere trace." As Mr. Davies very fairly put it, he could not, *by any possibility*, get at the actual amount.

If there had been even $\frac{1}{100}$th part of a grain he could have got at it—he could have separated and weighed it ! Why even Robinson, the chemist's assistant, who tests the medicines he sends away from Clay and Abraham's shop "in the usual way," and said there was no arsenic in it then, could not possibly have made a more inefficient test than Mr. Davies did, if there was any such thing as even $\frac{1}{100}$th part of a grain of arsenic in that bottle ! I refuse to accept such phrases as "strong evidence of arsenic" from an analyst who says he "could not by any possibility get at the actual amount."

Crystals of arsenic.

I unhesitatingly say that although the crystals of arsenic have a distinctive octohedral form, that there is no chemist living who could absolutely detect arsenic from its crystals alone when in their most minute forms, because there are many crystals of other substances—innocuous substances—which have under a powerful microscope a similar form, and I insist that when all an analyst can say is that he found "strong evidence of arsenic," but he "could

not by any possibility get at the amount," he never, in fact, found arsenic at all, but something which he *chose to guess* was arsenic. Clay and Abraham.

It is perfectly monstrous that at criminal trials such evidence of the discovery of arsenic should be either given or listened to!

As to the phrase "evidence of arsenic—Mr. Davies does not tell us us what he means when he used that phrase. We know what he means by "distinct traces" and "minute traces," that they mean something which he can weigh but cannot guarantee. But he has not told us what he means by "evidence of arsenic?" If he means that, according to the pretensions of analytical science, he can distinguish the octohedral crystals of arsenic up to the millionth part of a grain, then I say if that is what he means by "evidence of arsenic"—he means something which neither he nor any other analyst on earth can positively say whether it was arsenic or not. The octohedral crystals of arsenic are distinctive, and from their form are one of the "evidences of arsenic," whether the crystals be large enough to be visible to the eye—or merely visible through a strong microscope. But those octohedral crystals, although distinctive of arsenic, may easily, when in a minute form be crystals of many other and innocuous substances, and no analyst on earth would dare to swear before a jury of scientific men, whatever they would swear before a Liverpool Common Jury—that the "evidence" of seeing some minute octohedral crystals by means of a microscope was actual "evidence of arsenic." Evidence of arsenic. Crystals of arsenic.

However, whatever Mr. Davies meant by the expression, there is some satisfaction. He has kept half of what he had to test, and so the Crown can submit that half to an independent analyst, who will tell us exactly if there is any arsenic in it which can be guaranteed, and what it was exactly which Mr. Davies did find in the half of that liquid which he analysed. And I think not only in the interests of justice but in the interests of this exact science of analysis of arsenic, that it would be desirable that such expressions as "evidence of arsenic" should be defined for use in any future trials for murder by arsenic.

The next question, as I have said, is what has Mrs. Maybrick got to do with all this? The only evidence which could in any way be supposed to connect Mrs. Maybrick any more than any other person in that household with this bottle of Clay and Abraham's, which was found somewhere, either in Mr. James Maybrick's dressing-room or in the lavatory, by Inspector Baxendale, on the 18th of May, a week after death, and after the removal of Mrs. Maybrick to Walton Gaol, is as follows. It is all very much mixed up. At least three different bottles of medicine, of different dates, are confused apparently with each other—a dose from one of which was taken by James Maybrick himself on the morning of the 27th of April; a bottle of London medicine—this Clay What has Mrs. Maybrick got to do with this?

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and Abraham's bottle—and also another bottle of Clay and Abraham's, which was taken to Mr. James Maybrick himself on the 4th of May! It is quite impossible from the evidence to tell "t' other from which"—and Mr. Addison, as will be seen, gave it up. The evidence itself is confusing enough, but, as it will be seen, Mr. Justice Stephen in summing up that evidence made the confusion worse confounded.

Confusion of evidence.

Alice Yapp

At the Inquest *Alice Yapp* said :—

Q. Do you remember the 27th of last month?
A. Yes. On that day Mr. Maybrick went to the Wirral races.
Q. Did you ever know your master to be ill before that day?
A. No.
Q. Did he leave the house that day?
A. Yes.
Q. After he had gone did any one come to you in the bathroom?
A. Yes, Mrs. Maybrick.
Q. Did she say anything to you?
A. Yes, she said that Mr. Maybrick had taken an overdose of medicine, and that he was very sick. I said to her, "What kind of medicine?"
Q. Did she say anything else?
A. She said it was the same that the doctor had ordered for him in London.
Q. Did she say that he had been very sick?
A. Yes, and in great pain.
Q. Was anything more said by either of you?
A. No.

Bessie Brierley.

At the Inquest *Bessie Brierley* said :—

Q. Do you remember the 27th of April—the Wirral or Neston race day?
A. Yes.
Q. Did you meet the master and mistress coming downstairs together?
A. Yes.
Q. Did you hear him say anything to Mrs. Maybrick?
A. I heard him say that his feet and legs were dead to his knees. I did not hear him say anything more. Soon after the master left the house, and I didn't see him again until next morning, Sunday. I then met him on the landing as he was going from the dining-room to the bedroom. I knew that he was taken ill that day after breakfast, and heard that he had been taking an overdose of medicine.

Elizabeth Humphreys.

Elizabeth Humphreys, the cook, said at the Inquest :—

"On Sunday, the day after Neston or Wirral races, I saw Mrs. Maybrick about 9-30 in the morning. She said to me, 'Humphreys, *I want some mustard and water immediately; master has taken another dose of that horrid medicine.*' I remember the 4th of May, when the chemist's lad brought medicine to the house. I took it off him at the front door, and brought it direct to master's bedroom. I knocked at the door, and the master called "Come in." He was alone, and I put it on the drawers, after which I came downstairs. I knocked at the morning-room door and the mistress told me to come in. I told her I had taken up the medicine to the bedroom, she said, "Why did you do that? I have told all the rest but you not to take anything to the room without I see it." She spoke sharp to me about it. I saw her again *next morning* and asked her how master was; she replied that he

was very ill, and that the doctor had said that if he had taken that much [putting her fingers together] more of the *London medicine* he would have been a dead man, but she had thrown the rest away." Clay and Abraham.

Mary Cadwallader said at the Inquest:— Mary Cadwallader.

"*Mr. Maybrick told me in the morning that he had taken an over-dose of the medicine from London, and I had to tell Dr. Humphreys this.* He also said he felt very dizzy and faint, and asked me if I would explain this to Dr. Humphreys."

At the Magisterial Inquiry *Alice Yapp* said:— Alice Yapp.

"I remember Mr. Maybrick going to the Wirral races on the 27th of April, and after he had gone, between ten o'clock and eleven o'clock, Mrs. Maybrick came to me and said: 'Master has been taking an overdose of medicine. *It is strychnine*, and is very dangerous. He is very ill.' I said, 'What medicine is it?' and she said 'Some which has been prescribed by a doctor in London.' She further added that he seemed to be in great pain. On the next day [28th of April], I heard Mr. Maybrick complain of his legs, and a little while after I met Mrs. Maybrick, who told me the master had been ill or sick again—I am not sure which it was." Strychnine.

It will be remembered that it was on this 28th of April that Mrs. Maybrick sent hurriedly in the morning for Dr. Humphreys —as the nearest doctor—and repeated to him a warning which she had given him early in March that her husband was taking *a white powder* which caused her anxiety, and which she thought was strychnine, and that Dr. Humphreys, when thus called in, questioned James Maybrick about strychnine, which is a white powder, and about nux vomica, which is a brown powder. So if Mrs. Maybrick was poisoning her husband, she took the trouble to tell both Alice Yapp (who, by the way, had said nothing about this at the Inquest) and Dr. Humphreys (who also had said nothing about it at the Inquest). Dr. Humphreys Strychnine.

Bessie Brierley's evidence at the Magisterial Inquiry is:— Bessie Brierley.

"I remember the Neston race day [Wirrall races, 27th of April]. My master went to the races. I did not see him till next morning [28th], when I observed him going from the dining-room into his bedroom shortly after he was taken ill. That was on Sunday. Before Mr. Maybrick went to the races on Saturday I saw him and Mrs. Maybrick going downstairs together. I heard him say to Mrs. Maybrick, 'My feet and legs are dead to my knees.' Mrs. Maybrick made no reply. After that Mr. Maybrick went to the races."

Elizabeth Humphreys' (the cook) evidence at the Magisterial Inquiry is:— Elizabeth Humphreys.

"I remember my master being sick before he went to the Neston Races on the 27th of April. I did not prepare anything for him that day, but next day, 28th of April, Mrs. Maybrick and I prepared some mustard and water. I did not go into the bedroom, but I heard master vomiting. On Saturday morning, 4th of May, I remember a chemist's lad coming to the house. He brought some medicine. I went with it direct to master's room. He called 'Come in,' and I left the medicine on the drawers. I saw Mrs. Maybrick on

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getting downstairs in the morning-room, and I told her I had taken the medicine to master. She asked me why I had done so, and said she had told all the rest but me not to take anything to him unless she had seen it first. On the Sunday I asked Mrs. Maybrick how Mr. Maybrick was, and she said, 'He is very ill. He has taken another dose of that horrid medicine, but I have thrown the rest down the sink.' She added that if he had taken so much more [indicating a small quantity with her fingers], he would have been a dead man."

Mrs. Maybrick's conduct.

Mrs. Maybrick seems to have done what many another wife would have done. Indeed, it was a very natural thing for a wife to have done when cooks take it upon themselves to take up medicine direct to the patient's room. Mrs. Maybrick appears to have tried to frighten her afterwards by telling her what the awful consequences might have been the result of her taking things up to the bedroom without first coming to her with them. All this is natural enough. One thing, however, is very certain, and that is, whatever this bottle was which came on the 4th of May (it was identified as one of Dr. Fuller's), it contained no arsenic; indeed, the only medicine bottle out of the 200 odd bottles taken from the house to be analysed, in which Mr. Davies found any arsenic, or any evidence of arsenic, was the bottle Clay and Abraham handed to James Maybrick himself on the 24th of April. Whatever medicine it was, or wherever it came from, it was a different bottle altogether. That, at all events, is clear. In some extraordinary way it has been supposed that the evidence shows that Mrs. Maybrick put arsenic into that Clay and Abraham's bottle. Well, here is the whole of the evidence:

Alice Yapp.

At the Trial *Alice Yapp's* evidence was:—

"The Wirral races were on the 27th of April. I saw master on that day, when he left to go to the office. Mrs. Maybrick did not go to the races. On the morning she spoke to me about the condition of the master."

Q. What time was that?

A. Somewhere about 10 o'clock in the morning.

Q. What did she say?

A. She said Mr. Maybrick has taken an overdose of medicine. I asked what kind of medicine, and she said some ordered him by a doctor in London; he was very sick and in great pain.'

Q. That was all?

A. Yes.

Strychnine.

So Alice Yapp drops all about the "strychine" which she had spoken about at the Magisterial Inquiry, but had not said anything about at the Inquest! The arsenic theory was the one adopted at the Trial, so she dropped the strychnine story!

In cross-examination *Alice Yapp* says:—

Q. Do you recollect on Sunday, the 28th, hearing your mistress's bell violently rung. Don't you know on that occasion it was rung violently in order to send for Dr. Humphreys?

A. Yes.

Clay and Abraham

Q. And you knew as soon as possible after the bell had rung Dr. Hopper had come, and was in attendance upon your master?

A. Yes.

Q. Was he in bed?

A. He was lying on the bed with his dressing-gown on. My mistress came to the bedroom a few minutes after with a cup in her hand. She said to her husband, "Do take this mustard and water, it will remove the brandy and make you sick again if nothing else."

Well! all this is very natural! and it is just the sort of conduct of an assiduous wife, whether she loved her husband or not. It is just precisely what would be done by any wife.

Bessie Brierley's evidence at the Trial was:— Bessie Brierley

"On the 27th April my master went to the Wirral Races. I heard him complain that his feet and legs were dead to the knees. On the following morning he was taken ill, and acting on Mrs. Maybrick's instructions, I prepared a hot-water bottle which I took to the bedroom."

Mary Cadwallader's evidence at the Trial was:— Mary Cadwallader.

Q. On the 28th of April, after hearing your mistress's bell rung violently, were you sent by your mistress anywhere?

A. She came downstairs.

Q. Before the bell could be answered?

A. Yes.

Q. And sent you for the doctor?

A. Yes. I went for Dr. Humphreys about half-past nine o'clock on Sunday night a second time. *Mrs. Maybrick* said to her that *he* had taken an overdose of medicine from London.

Q. You recollect the statement you have made as to something Mr. Maybrick said to you on that Sunday morning [the 28th], as to the cause of his illness. I wish you to repeat it again.

A. *He said he had taken an over dose of medicine from London.* London medicine.

Q. Do you recollect his having said anything more about medicine? Did *he refer to the medicine that came by post?*

A. *Yes, sir, he did because I took it in.*

Q. Tell us what he did say.

A. *He said he had taken an over dose of London medicine and it was the same as I had taken in on the Friday.* Over dose.

Q. *Then some medicine had come from London by post?*

A. *Yes.*

Q. *And you yourself had taken it in?*

A. *Yes, sir.*

Q. *There is no mistake about this?*

A. *No, there is none.*

Q. *Your master told you this?*

A. *Yes.*

Q. He asked you if the medicine had come on Friday morning the 26th?

A. Yes.

Q. The next day was Saturday, the 27th, the Wirral races?

A. Yes.

Q. And the conversation took place on Sunday, the 28th?

A. Yes.

Q. *What day did the medicine come?*

A. *On Friday morning at half-past eight o'clock.*

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Q. Did you see it?
A. No. It was in a box.
Q. Do you know whether it was pills or in a bottle.
A. It was in a bottle. I could tell by the shape of it.
Q. Can you say what kind of a box it was?
A. A small box, made of pasteboard.
Q. Did you learn where it had come from?
A. *I believe it came from Dr. Fuller, but I did not hear the name.*
Q. *Then Mr. Maybrick was expecting his medicine from London?*
A. *Yes.*
Q. Do you remember whether he told you where it was to come from?
A. No, sir. I am quite sure of that.
Q. What is your recollection?
A. He told me he had been up to London and was expecting medicine a day or two before it came.
Q. It ought to have been here a day or two before it actually arrived?
A. Yes.
Q. *Then at last the bottle arrived. Did you look inside to see the chemist's name?*
A. *No.*
Q. Do you remember whether Dr. Fuller's name was mentioned or not?
A. No, Sir. I don't.

Over dose.

It is perfectly plain that the "over dose" of medicine which James Maybrick told Cadwallader he had taken on that Saturday morning, the 27th of April—and which had made him sick—was this *London medicine*, and not the Clay and Abraham bottle at all. Alice Yapp says that Mrs. Maybrick said on that 27th that he was sick or ill after taking an "overdose" of *some medicine from London*; and James Maybrick told Cadwallader that he had taken an overdose of the *London medicine* which had come by post on Friday morning the 26th. It is perfectly plain that it was not Dr. Fuller's medicine because Clay and Abraham, of Liverpool, had made that up on the 24th, and had handed it to James Maybrick.

James Maybrick.

Now what was that London medicine? Where did it come from? and what became of that bottle? It is very odd that the Crown gave no evidence about it at all. It seems palpable that *James Maybrick was getting some secret medicine from London* which Dr. Fuller did not prescribe, and James Maybrick attributed his being ill just before starting for the Wirral races to "an overdose of this *London medicine*"!

Secret medicine from London.

Elizabeth Humphreys.

Elizabeth Humphreys' (the cook) evidence at this trial was—

"I remember Sunday the 28th of April—the day after the Wirral races. On that morning about 7 o'clock, I saw Mrs. Maybrick. She asked me for some mustard water immediately. The master had taken a dose of medicine, she said, and she wanted it at once. She was in a great hurry, and mixed the water with her finger. I followed with another cup, but the first had been given to the master when I got up. I met the mistress on the landing at the bedroom door. I gave the water to Mrs. Maybrick, and she took it in. I did not see Mr. Maybrick, but heard him vomiting. *On the 4th of May*, the chemist had brought some medicine, which I took up to

the bedroom. I afterwards told Mrs. Maybrick what I had done, and she asked me why I had taken the medicine up, as she had given instructions that nothing was to be taken into the sick room unless she saw it herself first. *Later on on that same day,* I saw Mrs. Maybrick again. I asked for the master. She said he was no better—she said something about the medicine *he had been taking.* She remarked that if he had taken that much more [pointing to her finger] he would have been a dead man." Clay and Abraham.

Q. What did she do with the medicine?

A. She threw it all down the sink.

Q. *Did you suppose she meant the London medicine, or did she say the London medicine?* London medicine.

A. I thought she meant the *London medicine.* She said that *horrid medicine.*

Q. I don't want to know what she meant, but what she said?

A. She said, that *horrid medicine.*

Mr. Addison said he would like the witness to identify a *bottle,* which he produced. It was the bottle sent by Dr. Fuller, together with the prescription.

Mr. Addison: Your Lordship will remember it ought to have arrived a few days before, but it did not come till later on.

William J. Thompson's evidence at the Trial was:—

Q. Did you know the late Mr. Maybrick pretty well?

A. Yes.

Q. Do you recollect seeing him riding at the Wirrall races?

A. Yes.

Q. Do you recollect speaking to him on the racecourse? and did he complain of not being well?

A. Yes.

Q. What did he say to you?

A. I said, "You don't seem able to keep your horse," and he said afterwards coming back, that *he had taken a double dose.*

Q. *That morning?*

A. *Yes, that morning.*

Q. *Are you sure it was only medicine he said?*

A. Yes.

I do not know what my readers can make out of all this evidence.

That two bottles of medicines prescribed by Dr. Fuller were made at Clay and Abraham's, James Maybrick personally receiving them on the 24th of April. He took the light yellowish liquid one to the office, only half of it was used, and no arsenic was found in it. The other, a dark thick fluid, he took to the house, *a sixth part to be taken every morning.* If he did not take overdoses of that it would last—till say the 3rd of May. In that bottle, in which only the dregs were left, Mr. Davies found "evidence of arsenic." On the 4th of May, Humphreys, the cook, took a bottle from a chemist's lad, to James Maybrick's bedroom; whether this was another of Clay and Abraham's, or where it came from, there is no evidence, but Mr. Addison asked Humphreys to identify it as a bottle of Dr. Fuller's prescription. But besides this, on the 26th of April *some mysterious bottle arrived by post from London* for James Maybrick, of which he took an "overdose" on the morning before starting for the Wirral races, and James Maybrick attributed his Dr. Fuller

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being sick on that morning to his having taken an "overdose" of that medicine, and then Humphreys, the cook, says, that Mrs. Maybrick, whom she understood to be referring to the *London medicine*, but which she spoke of as that *horrid medicine*, said she had thrown the remainder down the sink! What that *London medicine* was? who sent it? or as to what became of the bottle, the contents of which Mrs. Maybrick poured down the sink, the Crown produced no evidence whatsoever.

But as to this bottle of Clay and Abraham's which James Maybrick got on the 24th April, and in the dregs of which Mr. Davies says he found "evidence of arsenic," is there any full-grown man or woman among my readers who can find anything in the whole of the evidence which in any sort of way connects Mrs. Maybrick with it?

Mr. Addison, Q.C.

Mr. Addison, in his closing speech for the Crown, tried to connect her in the following way with it: It is scarcely ingenious even—but it will serve to show to what straits even Mr. Addison was driven to connect Mrs. Maybrick with this Clay and Abraham's bottle. He bethought him of the fly-papers. Mrs. Maybrick had bought and soaked fly-papers.

Fly-papers.

Fly-papers contain arsenic, and as "evidence of arsenic" had been found in this Clay and Abraham's bottle which was found at the house, his chain of reasoning was complete! Unfortunately, although Mr. Davies found "evidence of arsenic," he did not find any fly-paper fibres, which he must have found if arsenic had been introduced into the Clay and Abraham's bottle from the fly-papers. He had searched for these fly-paper fibres in all the things submitted to him, and he had found none anywhere! Mr. Addison having given the history of the purchase of fly-papers, those from Hanson, who said he could not fix the date nearer than "not earlier than the 15th nor later than the 25th of April," and those from Wokes, who fixed the date of the purchase of them from him on the 29th April, said :—

> "That was the history of the fly-papers, and we now find him getting ill on the 27th. *Bottles of medicine had been received from Clay and Abraham, and also one from London, but from which he took anything* in the morning before he went to the Wirral races, *we don't know.*"

London medicine.

Well, if there is anything which we do know for certain by the evidence, it is that it was an overdose of the bottle of *London medicine* which he took on that morning. It is absolutely clear from the evidence of Cadwallader that it was an overdose of the *London medicine* which James Maybrick himself said he had taken, and which had upset him. But Mr. Addison told the Jury that he didn't know! Mr. Addison is possessed of at all events equal capacity to the ordinary reader of this evidence, and he must have known perfectly well that it was not a dose out of the Clay and Abraham

medicine, but a dose of the *London medicine* which James Maybrick had taken on that morning, and which both he and Mrs. Maybrick thought had upset him, and made him sick. But then the Crown had got no evidence to produce about that *London medicine bottle*, and the only medicine bottle out of all that long list of medicine bottles in the house, and analysed, upwards of 200 (see Appendix B), in which even "evidence of arsenic" had been found—was this Clay and Abraham bottle; so Mr. Addison, being on the subject of fly-papers, said, out of which he took anything.

Clay and Abraham.

"in the morning before he went to the Wirrall races, *we don't know.*"

Well! my readers who have got Cadwallader's evidence before them know. Mr. Addison then goes on:—

Mr. Addison, Q.C.

"He was seen at the races by a gentleman named Thompson, who was quite beyond the suspicion of saying anything that was not accurate. Mr. Maybrick was riding in such a way that Mr. Thompson asked him if he were ill, and he replied 'Yes, it was an overdose of medicine'—meaning either *Clay and Abraham's* or *Dr. Fuller's*—and Nurse Yapp said he was sick after the medicine. Gentlemen, the medicine in one of those bottles, at least that one from Clay and Abrahams, contained arsenic."

Now Mr. Addison has been said to have stated the case for the Crown fairly. What do my readers say? Mr. Addison describes the *London medicine*—that is the bottle of medicine which Cadwallader took in *by post* on the 26th, as Dr. Fuller's. Mr. Addison knew that it was not Dr. Fuller's at all, but some *secret medicine from somebody else in London* that James Maybrick had had sent to him. Mr. Addison knew that it was an "overdose" of this secret London medicine, of that "horrid medicine," as Mrs. Maybrick described it, and not Clay and Abraham's medicine which had been prescribed by Dr. Fuller, which Mr. Maybrick had taken on that morning, and after which he had been sick! and yet he described these bottles thus:—

"Mr. Thompson asked him if he was ill, and he replied 'Yes, it is an overdose of medicine,' meaning Clay and Abraham's *or Dr. Fuller's*, and Nurse Yapp said he had been sick after the medicine. Gentlemen, the medicine in one of those bottles, at least the one from Clay and Abraham, contained arsenic. Who put it there? How did he come to take it? How was he sick after it, for clearly he did not know arsenic was in it? If he had known he would have taken greater care not to have an overdose?"

I think when Mr. Addison summed up that evidence to the Jury and put these questions to them he must have formed a much lower estimate of their intelligence than I do of that of every reader of this treatise. But I again put the question, "Was that a fair way of stating the case for the Crown?"

Now let us see how Mr. Justice Stephen summed up this evidence about this Clay and Abraham bottle:—

Mr. Justice Stephen.

Clay and Abraham.

"Two prescriptions were given by Dr. Fuller but in none of these was any mixture of arsenic—one was an aperient and the other a tonic. There was no arsenic, says Dr. Fuller, in any of my prescriptions, and it is certainly one of the most remarkable points in the case that two of these prescriptions were made up in Liverpool, and in one of these prescriptions [? bottles] arsenic was found. Dr. Fuller says he put no arsenic in, and you have heard what the chemist said about it. You will have to draw your own conclusions as to who put the arsenic in. . . . .

"Now they certainly had a quarrel [on the 29th of March, the day of the Grand National] to the very extreme limit, all but turning her out of the house—but he did actually strike her. Well! about a fortnight or three weeks after the Grand National, Brierley, the housemaid, took Alice Yapp to Mrs. Maybrick's room and there was a basin there, and under a towel and in the basin were some fly-papers. *It has been shown that arsenic was found in this medicine*, and you have Mr. Maybrick saying he was very sick and in great pain *after taking it*. These, gentlemen, are the important facts of the case. I don't dwell on them, but they come altogether in a very oppressive manner."

Oppressive manner.

What I venture to think will come in an oppressive manner upon my readers, is that a Judge presiding at a criminal trial should thus pervert evidence when summing up to a Jury. James Maybrick had distinctly told Cadwallader that he was sick after taking the *London medicine*, and not after taking this Clay and Abraham medicine prescribed by Dr. Fuller.

Mr. Justice Stephen then proceeds:—

"Passing on we come to the incident where Nurse Yapp is summoned to her master's bedroom. 'I found him lying outside the bed in his dressing-gown.' That was suggested by Mr. Addison to *be the first administration of poison*, and you will see that one of the symptoms, sickness and pain—although the locality of the latter is not mentioned, were present. According to Yapp's description this *immediately followed on the taking the medicine*."

Confusion worse confounded.

Now, this is making confusion worse confounded. James Maybrick in the morning of the 27th, before starting for the Wirral races, took, as he himself told Cadwallader, an overdose of the *secret London medicine, and sickness and pain immediately followed* on the taking of that medicine. And nothing whatever is known about that medicine, either as to where it came from, what it was, or what became of the bottle. Whether it contained arsenic or not nobody knows and nobody cares. All that is known about it is that it came by *post* on the morning of the 26th, and was handed by Cadwallader to James Maybrick himself, who had been expecting it by post for some days. But the incident which Mr. Justice Stephen has confounded with these symptoms of "sickness and pain followed immediately on the taking of that medicine," is an incident of the next day! an incident of Sunday morning, the 28th! When James Maybrick was taken ill, and Dr. Humphrey's was sent for hurriedly, and the mustard and water given him by Mrs. Maybrick, not to stop any sickness, but to remove the brandy and make him sick!

Mustard and water.

Mr. Justice Stephen then goes on :— Clay and Abraham.

"If Mrs. Maybrick's account of what he said was right, it was taking an overdose."

Now, it was not merely Mrs. Maybrick's account, it was Mr. Maybrick's own account given both to Cadwallader, whom he told to tell Dr. Humphreys, and who says she did tell Dr. Humphreys, and also to Mr. Thompson, by James Maybrick himself on the racecourse.

Mr. Justice Stephen then proceeds :—

"She [Mrs. Maybrick] went and got him an emetic, and said that that would remove the brandy at any rate."

That occurred, not on the morning of the 27th, but on Sunday morning the 28th, when Dr. Humphreys was sent for. Confusion of dates.

"That is an act, I suppose, that if a man had taken arsenic would give him relief, at all events would not do him any harm. From what I know, I don't think any of the witnesses were asked about it, but it would likely do him good, and no doubt was the best thing to do."

Well, at all events, that was not talking above the intellectual powers of a Common Jury!

"She was no doubt doing her best to counteract the effect of the medicine. It seems to me one must simply take the facts of the case as they come. He seems to have taken a dose of medicine. He was sick afterwards, and she did her best to relieve the sickness by giving him mustard and water, stirring it with her finger because she would not wait for a spoon, you must take this altogether."

I will also ask my readers to take this altogether! On the morning of Saturday, the 27th of April, at about nine o'clock, James Maybrick took an overdose of some *secret London medicine* which had come by post to him on the day before, and sickness and pain followed immediately on his taking the medicine. He then went down to his office, and then crossing the river went on horseback to the Wirral races and got wet through, and then went to dine with some friends and did not get home till late, until after the servants had gone to bed. The next morning, Sunday, 28th, at half-past nine o'clock, he was not *sick* but he was taken ill and in pain, and Mrs. Maybrick rang the bell violently and did not even wait for time to answer the bell, but ran downstairs and sent the servant off for the doctor, called Alice Yapp into the room, and herself went down and got some mustard and water to *make him sick*, saying to her husband, "Do take this mustard and water, it will remove the brandy at all events," and it did make him *sick* and he vomited. What does Mr. Justice Stephen mean Taken altogether.

Clay and Abraham.

when he told the Jury to take all these facts together? and put them thus?—

"He seems to have taken a dose of medicine. He was sick afterwards, and she did her best to *relieve the sickness* by giving him mustard and water."

And now I will ask my readers what earthly connection there is between what sickness followed the taking by James Maybrick of an overdose of this secret London medicine of his, on the 27th April, and the bottle of Clay and Abraham medicine, in which Mr. Davies said he found "evidence of arsenic," and again, what earthly evidence is there that Mrs. Maybrick administered anything out of either the bottle of *London medicine* or out of the *Clay and Abraham bottle* to James Maybrick?

There may, possibly, be some of my readers who find themselves able to be satisfied, from Mr. Davies' evidence, that when he found "evidence of arsenic," he meant that he had actually found arsenic in that Clay and Abraham bottle of medicine. If there really was any arsenic there at all—the half of what was in that bottle when handed to him for analysis, is still, I presume, in existence, and available for an independent analyst to examine and see whether there was really any arsenic in it—if there is, it is the only bottle among all those 200 odd bottles of medicine which were found in the house, and handed to him to analyise, in which he found even "evidence of arsenic." But if there is, what earthly connection is there between Mrs. Maybrick and that bottle? And if Mrs. Maybrick wanted to administer arsenic, why, in the world, should she put it into his medicine? Arsenic is tasteless, and such a small quantity of it would destroy life, that the very last place a person wishing to administer it would be in medicine, I should think, because, if the medicine brought on the sickness, which is one of the symptoms of arsenical poisoning—the first thing the doctor would naturally do, would be to wonder why the medicine had brought it on—and take it to see if there had not been some mistake in the dispensing of it by the chemist.

Mr. Justice Stephen made one comment on Elizabeth Humphrey's (the cook's) evidence, as to Mrs. Maybrick having, on the 4th of May, told her that if Mr. Maybrick had taken so much (pointing to her finger) of that "horrid medicine," by which Elizabeth Humphreys understood her to mean the *London medicine*, he would have been a dead man. Mr. Justice Stephen says:—

"The cook also says 'on Saturday May 4th, the chemist's lad came and I took what he brought to Mr. Maybrick's room, and I knocked at the door, and took in the medicine. Mrs. Maybrick said he was no better, and added that if he had taken so much more medicine than the quantity he had taken it would have killed him.' I don't think we ought to press this, as it is very unlikely for a person to say this if she had given him a dose."

Clay and Abraham.

I think it is very unlikely! but Mr. Justice Stephen apparently as it is in asterisks read that from his own judge's notes of the evidence. My readers have got the verbatim notes, and if the above is a specimen of the way Mr. Justice Stephen takes notes. I am not surprised that in summing-up, he made confusion worse confounded. Mr. Addison asked Humphreys, the cook, to identify the bottle which the chemist's lad brought on the 4th of May, and she identified it and it was some of Dr. Fuller's medicine, and there was no arsenic or "evidence of arsenic" in that. Again, it was not at the time that Humphreys took this bottle into Mr. Maybrick's room, when Mrs. Maybrick made the remark to Humphreys, the cook, about the "horrid medicine," but some time afterwards, and Mrs. Maybrick was not referring to that medicine at all, but, as Elizabeth understood, to the *London medicine.*

[NOTE.—*Mr. Christopher Hanson writes to me, calling my attention to a circumstance of some importance:—*

"4, Aigburth Road, Cressington, Liverpool,
January 23, 1890.

"Dear Sir,—I think, myself, that the following is important to know, that the medicines which were dispensed by Clay and Abraham were had *previous* to Mr. Maybrick being ill, and that I am almost sure that, from May 4th until Mr. Maybrick's death, no one dispensed any medicine but what came from me. Why I say this is because in Clay and Abraham's bottle arsenic was found (which Mr. Maybrick might have put in himself), but in all my medicines, which were sent direct to the house while he was in bed and too ill to leave his bed, all the medicines were found free of arsenic. All the mixtures, gargles, suppositories, blister, and powders were dispensed at my shop from the day Mr. Maybrick took to his bed."]

GLYCERINE.

Glycerine.

The next thing containing arsenic (see Printed List, Appendix B) was found on the 18th of May, and is described as—

No. 32. Blue bottle, Price's Glycerine.....about 1-10th of a grain.

Mr. Davies.

Mr. Davies' evidence as to the quantity of arsenic he actually found in this bottle of glycerine is a little confusing.

At the Inquest he said:—

The Coroner: Now, I think there is a bottle of glycerine?
A. Yes, a pound bottle of Price's glycerine.
The Coroner: Where was that found?
Superintendent Bryning: In the lavatory.
The Coroner: Well, what did you do with that, Mr. Davies?
A. I tested it, and found *a small quantity of arsenic in it.*

And at the Magisterial Inquiry he said:—

"In the 1lb. bottle of Price's Glycerine I found arsenic *to the extent of* 2-3rds of a grain."

Glycerine.

And at the Trial he said :—

Q. Was there much in the bottle ?
A. It looked very nearly full ; it looked like a fresh bottle.
Q. *What did you find in it ?*
A. I found arsenic in the glycerine. I took 1,000 grains and determined the amount.
Q. How much arsenic was in it ?
A. Two-thirds of a grain if the bottle was full. *There would be about one-tenth of a grain to* 1,000 *grains.*

Well, seeing that glycerine very often does contain arsenic, I do not know that there need be any reason to suppose that any one put this "about one-tenth of a grain" in 1,000 grains of it—whatever in the language of this analyst "*about one-tenth* of a grain" may happen to mean ! but, as I say, his evidence about the quantity he found is somewhat confusing, for by some process of multiplication of a "small quantity," or about 1-10th of a grain in 1,000 grains, he arrived at a total which Mr. Justice Stephen told the Jury was 2-3rds of a grain in a one-pound bottle of glycerine. I do not pretend to know how this analyst does his sums.

Siebold on arsenic in glycerine.

[NOTE.—*The following report from the "Pharmaceutical Journal" of 5th October, 1889, of the proceedings of the British Pharmaceutical Conference at the British Association at Newcastle-on-Tyne, September 11th, 1889, will show that whatever arsenic Mr. Davies found in the glycerine need not have been put there by Mrs. Maybrick or by anybody else—that the action of glycerine on the glass may have extracted arsenic out of the glass bottle, arsenic being, in fact, largely used in the manufacture of glass bottles :—*

Siebold on Arsenic in Glycerine.

In 1888, Jahns drew attention to arsenic being present in glycerine.—*Chemische Zeitung.*

In 1889, Vulpius also drew attention to this.—*Apotheken Zeitung.*

Siebold's experiments were not made with common commercial specimens, or those used for technical purposes, but were of *toilet* and pharmaceutical (or best) varieties.

The majority showed presence of arsenious acid As_2O_3, varying *from 1 grain in 4,000 to 1 grain in 5,000.*

(N.B.—Mr. Davies found "*about*" 1-10th of a grain in 1,000, which is, of course, less.)

The majority of these samples were made by the steam distillation process, and are the kinds universally used *by pharmacists in the dispensing of prescriptions.*

The process of detection of the arsenic was by its conversion into arseniuretted hydrogen in a Marsh's apparatus, and the passing the gas through a solution of silver nitrate, weighing the precipitate, and estimating.

Arsenic in glycerine has been considered to emanate from the sulphuric acid used in the manufacture, but Siebold thinks it may be from the solvent action of the glycerine upon the bottle, as he noticed that one particular brand of glycerine, which had been kept in a bottle a long time, contained arsenic, whilst the same brand kept in tins was free. Glycerine.

Mr. H. Allen said that at Cattleford (where bottles are made) they used a ton of arsenic a week in the manufacture of their glass.

Mr. Proctor said this was a serious matter, as a teaspoonful would contain about five drops of Fowler's solution at this rate, and it was very bad. He advised avoiding glycerine made from soap lees.—*A. W. McD.*]

Now, whether Mr. Davies found 1-10th or "about 1-10th" of a grain of arsenic in the 1lb. bottle—or whether Mr. Davies worked out his sum correctly when he calculated that there was arsenic to the extent of 2-3rds of a grain in the whole bottle or not! this bottle was not found until the 18th, which was a week *after death* (the day on which Mrs. Maybrick was taken to Walton Gaol), and there is not the slightest evidence that it was in the house *before* death or explanation of why it was not found before the 18th of May! It was found, but indeed the evidence as to where it was found or who found it is somewhat contradictory. According to the printed list it appears under the heading of— Mr. Davies

"List of articles, &c., found in *Mr. Maybrick's dressing-room* on the 18th of May by Inspector Baxendale,"

while, at the Inquest, Inspector Baxendale said—

"I found a bottle containing glycerine *in the lavatory* on the 18th, and took it to Mr. Davies on the 20th,"

but whether it was found in Mr. Maybrick's dressing-room or the lavatory, or whether it was in the house *before* death, or was put there *after* death, there is not the slightest evidence that Mrs. Maybrick used or could have used this glycerine for the purpose of poisoning her husband. Supposing he had eaten the whole pound of it, there were only 2-3rds of a grain in it!!—or what Mr. Davies, with his method of doing sums, says, "to the extent of 2-3rds"!! I have the greatest respect for scientific gentlemen, and I daresay Mr. Davies did find "*about* 1-10th of a grain of arsenic in 1,000 grains of this glycerine"; but I should attach more weight to the evidence of this scientific gentleman with his microscope, which enables him to see one millionth part of a grain, and his scales, with which he can weigh 1-1,000th part of a grain of arsenic, the size of a grain of which is

Glycerine.

if, instead of talking about having found "a small quantity," or "about 1-10th of a grain," and by a sum of multiplication upon which, by a process not known in the board schools, he arrived at a result of "I found arsenic to the extent of 2-3rds in the one pound bottle," he had simply, being an analyst, as a professor of an exact science, told us exactly what he had seen with his microscope and weighed with his weighing machine, and then any school-board boy could have done the arithmetic for him; but whether Mr. Davies did the sum right or not, whether each and all of these things are right or not, the thing which I want to know in this question of life and death to Mrs. Maybrick is, what evidence is there that she had anything whatever to do with that bottle of glycerine? or, if she had, what earthly connection could it have had with the "cause of death"?

During the period that Nurse Gore and the other professional nurses were employed as amateur detectives by Michael Maybrick to try and catch Mrs. Maybrick, among other things ordered by the doctors, or, at all events, used by these professional nurses, was glycerine (not by the pound, but in small quantities) to moisten the lips of the patient.

Nurse Gore.

Nurse Gore's evidence was:—

Q. The next day was anything done with glycerine?
A. Yes. On Thursday night I refreshed the patient's mouth with glycerine and borax.
Q. Where did you get it?
A. Mrs. Maybrick gave it me.
Q. Did you see where she got it from?
A. *She took it either from the medicine cupboard in her room or from the washstand drawer.*

Nurse Callery

Nurse Callery's evidence at the Trial, as to this moistening of his lips with glycerine, was:—

Q. Did you apply anything to his mouth?
A. Yes; glycerine and borax.
Q. Where did you get the glycerine?
A. It was on the table in the sick room.
Q. What was it in?
A. I believe it was in a saucer, mixed.
Q. How did you apply it?
A. It was to clean the tongue.
Q. Did you apply it to his tongue?
A. Yes; frequently.

Whether that glycerine in the saucer came out of this pound bottle of Price's glycerine, which was found by Inspector Baxendale a week after death in "Mr. Maybrick's dressing-room" or in the "lavatory," and which was handed to Mr. Davies as a freshly-opened bottle, or out of some other bottle, nobody knows! Whether there was any arsenic in the saucer of glycerine that was used or not, nobody knows, and nobody seems to care! But glycerine was

used—the lips of James Maybrick were moistened with glycerine by the Professional Nurses, and if the bottle which Baxendale found on the 18th in the lavatory is the same bottle out of which Nurse Gore mixed the borax and glycerine to moisten the lips with or not, one thing is certain, that if he had eaten the contents of the whole bottle he might not have liked it, but it would not have hurt him! Glycerine.

But this is how Mr. Justice Stephen, in the course of his eloquent speech of 12½ hours' duration—which the Liverpool Common Jury performed the intellectual feat of listening to—told them was the proper way to understand the fact that Mr. Davies, by his own peculiar methods of ascertaining it, had found "arsenic to the extent of 2-3rds of a grain" in a pound bottle of glycerine found somewhere in the house by Inspector Baxendale a week after death— Mr. Justice Stephen.

"Then you get to the blue bottle, which contained Price's Glycerine. Here is the bottle, and a considerable portion is still left. That glycerine was found in the lavatory outside; and if the bottle were filled, and the same proportion of arsenic added, there would be 2-3rds of a grain of arsenic in it. You have heard already that his mouth was moistened with glycerine and borax, apparently the night before he died. If that is so, and the glycerine really be poisoned, it is certainly a very shocking result to arrive at."

Sir Charles Russell: I think the evidence of Nurse Gore is that the bottle that was used on the night before death was taken not from the lavatory, but from the cupboard on the washstand.

His Lordship: It does not follow that that was the same bottle. One does not know the history of that bottle, or where it went to. It may or may not have been the glycerine which was used for the purpose I have mentioned, namely, for moistening the lips. But what does appear in the case is that a bottle was found in the lavatory, and that it contained a grain of arsenic, and that his mouth was moistened with glycerine and borax during the night in question, but the identity between that bottle and the bottle which contained the glycerine is not established, and not proved.

I will assure my readers that this is a quotation not from the summing up in 1689, in the reign of James II., but in 1889, in the reign of Queen Victoria! And the only thing I need say about it is that not only was there no evidence during the whole proceedings that anybody ever did or ever could administer arsenic by moistening a person's lips with glycerine containing two-thirds of a grain to the pound bottle, but that there was no evidence that anyone ever did or could perform the feat of distributing arsenic evenly through a pound bottle of glycerine; and what the "shocking result to arrive at," of which Mr. Justice Stephen spoke, could have been, is beyond my understanding.

I have now enumerated all the things which contained any arsenic, set forth in the Printed List, and which could have been taken by James Maybrick. They none of them constituted "a store of arsenic," and the whole of them might have been swallowed all together, bottle of Valentine's Meat Juice, this 1lb. pot of glycerine, and all would not have contained sufficient to kill anybody!

Dressing-gown and apron.

THE DRESSING-GOWN AND APRON.

Civil and criminal trials.

The circumstances connected with the production of these things at the Trial are very odd. My readers are no doubt aware that the distinction between Criminal trials, where questions of life and liberty are concerned, and trials of actions, where property is concerned, is that while in Civil actions (whether it be for public benefit or not is another question) the concealment of everything by the one party from the other is not only permissible, but encouraged in our Courts; and, indeed, a solicitor would be responsible for negligence if he disclosed his client's case to his opponent. But in Criminal trials a person accused of crime is entitled to have the fullest information in possession of the Crown relating to the charge imputed to him publicly disclosed in his presence in Court at the Magisterial Inquiry, so that if he is committed for trial he knows exactly what he has to defend himself against, and can instruct his solicitor to prepare his defence against that specific information. The Crown cannot keep anything back to spring upon a prisoner for the first time at the trial.

Inspector Baxendale.

Now, this dressing-gown was not in the possession of Inspector Baxendale until the 28th of June, until, in fact, the furniture in the house had been removed for sale by the auctioneer, and until six weeks after Mrs. Maybrick had been locked up in Walton Gaol. Not one word was said about the dressing gown until the Trial. It was, in fact, not even handed to Mr. Davies, the analyst, until the 1st of July, and it does not appear in the evidence that either Mrs. Maybrick or her legal adviser had heard anything about it until the Trial.

If this is so, do my readers intend Criminal trials to be conducted in that sort of way in this country?

Edwin Maybrick

But, at the Trial, the following evidence concerning it was sprung upon Mrs. Maybrick during the examination of Edwin Maybrick:—

"Mr. Addison then called for Mrs. Maybrick's dressing-gown, which has not been previously introduced into the case. The garment was somewhat dirty and tawdry."

Q. Whose dressing-gown is that?

A. I think it is Mrs. Maybrick's.

Q. When did she wear it?

A. At night when she was on night duty nursing my brother, and also in the morning.

Q. *After his death what became of the dressing-gown?*

A. *I believe it was taken by one of the professional nurses.*

Professional Nurses.

Now, I should like to ask my readers to dwell a moment upon the state of things going on in that household. What earthly right had "one of the professional nurses" to take Mrs. Maybrick's dressing-gown? How came these brothers, who had usurped

authority in her house, to allow these "professional nurses" to divide her raiment among them? Is it the custom of the "professional nurses" sent out by the Liverpool Nursing Institute to do this kind of thing? And which of these professional nurses was it that took that dressing-gown? Was it Nurse Gore or Nurse Wilson? They were both in that house after James Maybrick's death, ostensibly nursing Mrs. Maybrick in her mysterious, speechless swoon and subsequent illness, but really, with the cognisance of the police, playing the part of female detectives and assisting the "suspecting five" and the police to make up a case against Mrs. Maybrick. Dressing-gown and apron.

[NOTE.—*I refer my readers to the description given by Baroness de Roque of what these professional nurses were doing when she arrived at the house.* See page 10.]

And I must also observe upon Edwin Maybrick's statement—

"I believe it was taken by one of the professional nurses,"

after his brother's death—how long after he does not say—that it is inconceivable that when the "suspecting five" were searching under the paper linings of drawers, and in James Maybrick's band box and hat boxes for "the keys of the safe," and finding a letter from Brierley, and some black solutions and white solutions instead! they did not search the pockets of Mrs. Maybrick's clothes for the "keys of the safe" also! The suspecting five.

Edwin Maybrick went on—

Q. What became of it then?
A. It was locked up in the *lavatory* first.
Q. And then?
A. It was locked up in the *linen cupboard*.
Q. By whom?
A. By me.
Q. What did you do with it?
A. I handed it to Inspector Baxendale.
Q. *Was this apron with the dressing-gown?*
A. Yes.

Now, when and from whom did Edwin Maybrick receive this dressing-gown—and this apron with it—and why did he lock it up, first in the *lavatory*, and then in the linen cupboard, and then hand them to Inspector Baxendale? How came it that the police permitted Edwin Maybrick to lock up things in this sort of way, and not hand them to Inspector Baxendale until the 28th of June, seventeen days after the death of James Maybrick, and eleven days after Mrs. Maybrick had been locked up in Walton Gaol. And how came it that Inspector Baxendale, instead of handing these things at once to the analyst, kept them until the 1st of July. Was any one wearing this dressing-gown in the meanwhile? It is

Dressing-gown and apron.

described as "dirty and tawdry," which is hardly in keeping with Mrs. Maybrick's style of dress!

None of the professional nurses were asked any questions about this dressing-gown and apron, and the only thing Inspector Baxendale said about it in his evidence was—

"The dressing-gown identified by Mr. Edwin Maybrick was not included in the printed list."

Mr. Davies.

No, I know it is not. But why was it not included in the printed list of articles handed to the analyst? Boxes of corn plasters and all sorts of things were included in that list. (See Appendix B.)

The only other evidence about it was that of *Mr. Davies*, the analyst.

"I recognise the dressing-gown [produced], which had been proved to have been worn by Mrs. Maybrick. I received it from Mr. Baxendale on the 1st July."

The Judge: And when did you get it from Mr. Maybrick, Inspector Baxendale?

Inspector Baxendale: On the 28th June, my lord.

"I examined the dressing-gown, and in the pocket I found some stains, not very much; but I cut the pocket out, and, testing it, found distinct traces of arsenic. From subsequent tests I found there was no arsenic in the material or dye of the dress. There was a handkerchief found in the dressing-gown, which bore Mrs. Maybrick's name, and was similar to the one bearing the black stain. There was a brown stain upon it, and not thinking it worth while to test the stain I steeped the handkerchief in dilute acid. I found $\frac{1}{10}$ths of a grain of arsenic present in the whole handkerchief. *In the pocket there was a little bit of label, and in the corner there was a fluff or powder.* An apron was brought to me at the same time as the dressing-gown. It was stained a good deal in the front below the waistband, and I cut that out and tested it, and found a trace of arsenic. I then took the larger piece, but found no arsenic there."

Q. A handkerchief soaked and put into the pocket of a dressing-gown would leave traces of arsenic in the pocket?

A. It would leave a good deal more. I believe that what was found in the pocket did come from the handkerchief.

Now, that is all, and there is this observation to be made upon it, that even supposing this dressing-gown was in the same condition as when Mrs. Maybrick wore it, that evidence is consistent with the theory that Mrs. Maybrick was using cosmetics. There is the "fluff or powder" in the corner of the pocket, and the "brown stain" on the handkerchief, which this careful analyst, Mr. Davies, said he did not think it worth his while to analyse! There were four pocket handkerchiefs produced at the Trial. There was this one with a *brown* stain, found by nobody knows who; another had a *black* stain, which was found in a box with the cat poison by Alice Yapp; another was in a tumbler of a black solution of this cat poison powder, and was found by Mrs. Briggs;

another had a *reddish* stain, and was also found, with a bottle of oxide of zinc, by Mrs. Briggs. Mr. Davies gave the following evidence about that *reddish* stain :— Dressing-gown and apron.

Q. There were distinct traces of arsenic in the handkerchief?
A. Yes.
Q. I want to call your attention to this. There was a stain on it of a reddish kind?
A. Yes.
Q. Will you please look at it and say whether it might be rouge—a rouge stain? Rouge.
A. It is very difficult to say what it is. I rather think it is somewhat darker than rouge generally is.
Q. There is no doubt of traces of arsenic in the handkerchief, but not necessarily in the stain?
A. No. I have seen some tooth-powders very much that colour.
Q. Do you know whether in that bottle in which you found no arsenic there was, in fact, found oxide of zinc?
A. Yes.

Well, now, I do not know whether there is a single reader of this evidence—now that the hysterics about the Maybrick Mystery are over—who can conceive any way in which that evidence thus sprung upon Mrs. Maybrick at the Trial about that dressing-gown, and that handkerchief found in the pocket, and that apron, can connect Mrs. Maybrick, at all events, with anything except cosmetics! But I am sure there is one thing which will strike my readers, and that is that there are a great many "suspicious circumstances" attaching to those who were getting up the case against Mrs. Maybrick, and who dealt with this dressing-gown in the way they did, and produced it in the way they did. Mr. Davies said he found "a distinct trace" of arsenic—that is, according to his own definition, something between $\frac{1}{100}$th and $\frac{1}{1000}$th part of a grain, something which he could not undertake to weigh or to guarantee, in the lining of the pocket itself, and that by treating the stain on the handkerchief as not worth while analysing, but by steeping the whole handkerchief in dilute acid, he found $\frac{2}{100}$ths present in the whole handkerchief. How he arrived at this result I do not know—that is to say, if he means that he actually obtained out of it and weighed $\frac{2}{100}$ths of a grain. However, Mr. Davies had his own process of analysing, and it is not worth disputing. We will assume that he actually did extract by this process of his and weigh the tiny quantity of $\frac{2}{100}$ths of a grain out of this whole handkerchief, including the stain. Well, what then? Does it not point to cosmetics, and cosmetics only? As to the apron, whose it was, or where it came from, nothing was said; but Mr. Davies says it was handed to him by Inspector Baxendale, on the 1st of July, "at the same time as the dressing-gown," and Cosmetics.

Dressing-gown and apron

"it was stained a good deal in the front, below the waistband, and I cut that out and tested it, and found *a trace* of arsenic. I then took the larger piece, but found no arsenic."

Well, we know what Mr. Davies means when he talks about a "trace"! and those of my readers who think that he really found any arsenic at all there must be content with the word. But, supposing he did, what is there in this evidence which connects Mrs. Maybrick with it, or which could suggest to any honest mind anything but cosmetics?

If the handkerchief had been soaked in any solution of arsenic, strong enough to injure anybody, Mr. Davies would have found a great deal more than $\frac{2}{100}$th parts of a grain in it!

That being all the evidence as to *arsenic*, we must now see what the evidence about *adultery* was. The only evidence concerning adultery was that given in reference to

Brierley Incident.

THE BRIERLEY INCIDENT.

The first mention of Brierley's name in connection with Mrs. Maybrick is in the evidence of Mrs. Christine Samuelson, at the Coroner's Inquest, on the 28th of May.

Mrs. Samuelson.

"I live at 5, Prince's Park Terrace, Liverpool. I knew the late Mr. James Maybrick. I also knew Mrs. Maybrick. I had known them from December last. About a fortnight before the 29th of March, the Grand National day, I and my husband were staying at the Palace Hotel, Birkdale. Mr. and Mrs. Maybrick were stopping at the same hotel. Mr. Alfred Brierley was stopping at the same hotel. Whilst there I had a conversation with Mrs. Maybrick, and she told me she hated her husband."

Q. Was she angry about something when she said that to you at Birkdale?

A. Not to my knowledge.

Q. Did you know there had been any differences about Mr. Brierley between them?

A. No.

Q. I suppose that statement at Birkdale was part of a conversation, not one isolated statement?

A. Yes; it was part of a conversation.

Q. Were you on friendly terms with Mrs. Maybrick?

A. I think so. Yes.

Q. Doubtful?

A. Well, you see, I had only known her from December to March. I didn't see her after the Grand National. We met pretty frequently. I suppose we were friends. Acquaintances certainly.

The above is the only evidence given during the whole proceedings about this incident at the Birkdale Hotel.

After the Inquest Mrs. Samuelson disappeared off the scene: she did not put in an appearance in the witness box either at the Magisterial Inquiry or the Trial, to tell this story about Mrs. Maybrick having said she "hated her husband."

As I have pointed out to my readers (see p. 22), the real question of motive depends upon the relations between Mr.

James Maybrick and his wife, and not upon the relations between Mrs. Maybrick and Brierley, and this evidence of Mrs. Samuelson's, that Mrs. Maybrick had told her, a fortnight or three weeks before the Grand National, that she "hated her husband," was evidence of the first importance, and, accordingly, at the Magisterial Inquiry, Superintendent Bryning laid great stress upon it when charging Mrs. Maybrick before the Magistrates. He said :— Brierley Incident.

"From what the police know it appears that Mr. James Maybrick and his wife lived happily together until about the time of the Grand National this year, which was run on the 29th of March. It appears that about two or three weeks before the Grand National—no more—the prisoner and a person (whose name I may mention now, as it will have to be mentioned later on) were staying at the Palace Hotel, Birkdale, and the prisoner in conversation with Mrs. Samuelson—I don't know why she should have spoken of it to her, at any rate she said to Mrs. Samuelson that she 'hated her husband.'" Superintendent Bryning.

Now, of course, in the ordinary pets, which, instead of disturbing add charms to domestic life, like "the discords dear to the musician," I do not suppose there are many wives who have not used some such expression many times, and, as Mrs. Samuelson said that Mrs. Maybrick was not angry at the time and that she knew nothing about any "differences," the statement that Mrs. Maybrick had told her she "hated her husband," as part of a conversation when this party of friends were staying together at this hotel, may have happened with most wives of my acquaintance; but when it was told by Mrs. Samuelson at the Coroner's Inquest on that 14th of May, which the Coroner devoted (instead of to questions touching the cause of death) to hearing scandals against Mrs. Maybrick, as he himself described it, "food for gossip" for the 30 or 40 representatives of the press to whom he was extremely courteous! this remark thus sworn to by Mrs. Samuelson acquired a significance of the greatest importance, and Superintendent Bryning very naturally when charging Mrs. Maybrick with murder before the Magistrates relied very strongly upon this evidence of Mrs. Samuelson's as showing that the relations between man and wife were that Mrs. Maybrick herself had said she—

"hated her husband."

But Mrs. Samuelson, having fired that shot at Mrs. Maybrick at the Coroner's Inquest, disappeared, and, what is still more extraordinary, the police let her disappear, and Superintendent Bryning contented himself with making that statement in his speech, but was careful not to call Mrs. Samuelson to go into the witness-box and support it. Hated her husband.

Why did not Superintendent Bryning call Mrs. Samuelson? What right had he to make that statement to the Magistrates if he did not intend to call her as a witness to prove it? Had he

Brierley Incident.

found out in the interval between the Coroner' Inquest and the Magisterial Inquiry that Mrs. Samuelson could not be relied on as a witness to support this suggestion that the relations between James Maybrick and his wife were that Mrs. Maybrick—

"hated her husband"!

Again, why did not the Crown take exceeding good care that Mrs. Samuelson should be put into the witness-box at the Trial to tell this story?

[NOTE.—*The "Liverpool Daily Post" of 16th August, 1889, gave the following explanation about this disappearance of Mrs. Samuelson after the Inquest:—*

"Some surprise has been expressed that Mrs. C. E. Samuelson, of Princes Road, was not called as a witness at the Assize Trial. This lady gave evidence at the Inquest as to Mrs. Maybrick telling her that she hated her husband, and would 'give it to him hot and heavy' for speaking to her as he had in public on the occasion of the Grand National. It is now stated that the reason of her absence was because her whereabouts could not be ascertained, the consequence being that the police were unable to serve her with a subpœna."

Now why in the world could her whereabouts not have been ascertained? Did her husband aid and abet her in thwarting the ends of justice? Is her whereabouts known now? And has the Crown taken any steps to bring her to account for keeping out of the way? Or is it to be understood that important witnesses at trials for murder can keep out of the way with impunity?—A. W. McD.]

Mrs. Samuelson.

But besides this extraordinary disappearance of Mrs. Samuelson from the scene, which was permitted by the police and the Crown, my readers will not fail also to observe that Brierley formed one of the party at this Birkdale hotel, and whatever opportunities Brierley had to betray his friend James Maybrick, James Maybrick was there to see. At that time it is clear he had no objection to Brierley being in the company of his wife. Not only did Mrs. Samuelson know of no differences about Brierley between them, but there could not have been any, or James Maybrick would not have been staying there.

If at the time this party of Mr. and Mrs. Maybrick, Mr. and Mrs. Samuelson, and Mr. Alfred Brierley were staying together at this hotel "this two or three weeks," before the Grand National, Mrs. Maybrick entertained a murderous hatred of her husband, or even contemplated an adulterous intrigue with Brierley, she was remarkably frank with this Mrs. Samuelson, who said, "Well, I suppose we were friends—acquaintances certainly," of three months' standing!!

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[NOTE.—*I do not think that Mrs. Samuelson ought to be allowed to disappear from the scene in this way. The reason why she disappeared from the witness-box, it must be presumed, was that otherwise she would have found it necessary to say a little more than she did about her acquaintance with the Maybricks, which she said only lasted from December to March, and perhaps that fact accounted for her disappearance from the scene after she had fired her shot at Mrs. Maybrick, at the Coroner's Inquest. Mrs. Maybrick was not present at the Coroner's Inquest, and consequently had no opportunity, and in consequence of Mrs. Samuelson's disappearance from the scene, has never had any opportunity of saying anything about this, but directly it was reported to her in Walton Gaol, she said to her mother:—*

"I remember perfectly well saying I hated Jim. It was on an occasion when we were all playing cards, and there was a row between Mrs. Samuelson and her husband, and Mrs. Samuelson said to her husband, 'I hate you.' I went into the bedroom to mediate between them, and I said to Mr. Samuelson, 'You must not take serious notice of that, I often say I hate Jim.'"

—*A. W. McD.*]

Mrs. Samuelson went on to say:—

"On the day of the Grand National [29th of March], I was one of a party who went to the races. Mr. and Mrs. Maybrick were of the party. Mr. Alfred Brierley was another of the party. I saw Mrs. Maybrick return to the omnibus, she was with Mr. Alfred Brierley. I do not know that Mr. Maybrick said anything to his wife on her return to the omnibus, but Mrs. Maybrick said, before we started, 'I will give it to him hot and heavy for speaking to me like that in public.'"

By Mr. Pickford: You understand from that that there had been some unpleasantness between them?

A. Yes. There had been some unpleasantness.

Q. You understood it to refer to that?

A. Yes, certainly.

Q. Was she very angry at the time?

A. Yes

Q. Had you heard anything that had passed between them?

A. I had not heard any words.

Q. You simply saw there were differences?

A. Yes.

Mr. Mulholland: Did you all go as a party to the Grand National—yourself, your husband, the Maybricks, and Mr. Brierley?

A. Yes, and several other ladies and gentlemen.

Q. You didn't see Mr. Brierley leave the 'bus?

A. No.

Q. He got tickets, I believe, for the grand stand for some ladies, yourself among the number.

A. Yes, he did.

Q. You went with another gentleman to the grand stand?

A. Yes, with two gentlemen.

Q. You don't know with whom Mrs. Maybrick went?

A. No. I only saw her come back with Mr. Brierley.

Whatever may have passed on the course which made James Maybrick jealous of Brierley, it is clear that up to this time at all

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events, there could have been no "differences" about Brierley—and all that appears to have been done is that Mr. Brierley, being one of this party, took the tickets for the ladies to the grand stand, and walked back to the omnibus with Mrs. Maybrick, and that for some reason, left wholly in mystery, some "unpleasantness" occurred between James Maybrick and his wife; whether about Brierley or not Mrs. Samuelson did not know, she had "heard no words," but Mrs. Samuelson, having fired a shot at Mrs. Maybrick, at the Coroner's Inquest, by putting these words into her mouth :—

"I will give it to him hot and heavy for speaking to me like that in public,"

disappeared from the scene! and what is still more odd, as Mrs. Samuelson said Mr. Samuelson and several other ladies and gentlemen were of this party, neither the police nor the Crown called any of them into the witness-box, and no evidence whatever was given as to what had passed on that racecourse, although what was said at the Trial was that it was what passed there, which led to the relations of husband and wife becoming such as to lead to Mrs. Maybrick poisoning her husband! It is all very odd. If there really was any quarrel on this racecourse about Brierley between James Maybrick and his wife, Mrs. Samuelson having disappeared, why was not Mr. Samuelson, or some of those several other ladies and gentlemen in that party called by the Crown? Surely the fact that Mr. Brierley, who was one of the party, escorted Mrs. Maybrick back from the Grand Stand to the omnibus, could not possibly have been the reason why James Maybrick, when he got home that evening, while he was thrashing his wife in the bedroom, and giving her a black eye, should shout out so loudly that Alice Yapp could hear him on the landing—

Quarrel.

"Such a scandal will be all over the town to-morrow,"

surely there is nothing in this evidence of Mrs. Samuelson's which explains that. There must have been something more! Why did Mrs. Samuelson disappear? Why did not Mr. Samuelson, or some of "the several other ladies and gentlemen" of this party, appear to tell us what it was? It is very odd! The fact of Mrs. Maybrick's walking from the grand stand to the omnibus with one of her husband's guests would not cause a "scandal all over the town to-morrow"! unless Liverpool society is given to manufacturing scandals out of nothing!

The evidence as to what occurred on the evening of the Grand National is as follows :—

Alice Yapp.

Alice Yapp at the Inquest said :—

Q. Did Mr. and Mrs. Maybrick leave the house together?
A. No, separately.

Q. Who went first?
A. Mr. Maybrick, and Mrs. Maybrick left some time afterward.
Q. Were you in the house when they returned?
A. Yes.
Q. Did they return together?
A. No.
Q. Who returned first?
A. Mrs. Maybrick.
Q. What time did she return?
A. It was nearly seven o'clock.
Q. And about what time did Mr. Maybrick come?
A. At about ten minutes past seven.
Q. Where did they go when they returned home?
A. Mrs. Maybrick came into the nursery.
Q. Did she remain there for a time?
A. Yes.
Q. Was she there when Mr. Maybrick came in?
A. Yes.
Q. Where did Mr. Maybrick go to?
A. He also came into the nursery.
Q. Mrs. Maybrick was there when he came in?
A. Yes.
Q. Were the children there?
A. Yes.
Q. Did he take the youngest child on his knee?
A. Yes.
Q. Did she speak to him?
A. No.
Q. Did she leave the room shortly afterwards?
A. Yes.
Q. And did he remain till the children were put to bed?
A. Yes.
Q. That was how long?
A. Ten minutes after.
Q. At what time were the children put to bed?
A. Between a quarter and twenty minutes past seven o'clock.
Q. When he left the nursery, do you know where he went?
A. I don't.
Q. Is the nursery near the master and mistress's landing?
A. The night nursery is on the same landing.
Q. And is it near the bedroom?
A. Yes.
Q. Shortly after the master left the night nursery, did you hear anything in his bedroom?
A. Yes. I was close to the landing, and I heard Mr. Maybrick say: "Such a scandal will be all over the town to-morrow."
Q. Did you hear any other voice in the bedroom?
A. No.
Q. Had you any means of knowing whether any other person was in the bedroom at the time?
A. A few minutes afterwards, Mr. and Mrs. Maybrick came out of the room in which I heard the noise.
Q. Did you hear anything more said upon that occasion, by that voice?
A. No, not by that voice.
Q. Did you hear anything more in the bedroom?
A. No, not in the bedroom.
Q. Did you see them come out of the bedroom together?
A. Yes.

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Q. Where did they go?
A. They went downstairs.
Q. What did you do?
A. I stood on the landing a few moments.
Q. When you were standing there did you hear anything?
A. Yes, I heard Mr. Maybrick say, "Florrie, Florrie, I never thought it would come to this."
Q. Are those the words?
A. Yes.
Q. Was Mrs. Maybrick there?
A. They were both standing in the hall.
Q. Was Mrs. Maybrick dressed?
A. Yes, she had her bonnet on. She had not taken it off.
Q. Did you hear anything more said then?
A. No, I did not hear anything further then.
By the Coroner: Mr. Maybrick was with his wife. I afterwards heard some talk, and I went downstairs. Mr. and Mrs. Maybrick were in the vestibule, and I heard Mr. Maybrick say, "Florrie, if you once cross this threshold, you will never enter this house again."
Mr. Bryning: Did you go to her?
A. Yes, I went to her, and asked her to go up and see baby.
Q. Did you do anything to her?
A. She didn't move, and I put my arm round her waist, and pulled her upstairs.
Q. Did you induce her to remain at home, in the house?
A. Yes.
Q. I believe you took her into the dressing-room by your bedroom, and made up a bed for her there, and put her to bed?
A. Yes.
Q. The dressing-room is off the night nursery?
A. Yes. Mr. Maybrick didn't go to bed at all.
Q. How do you know that?
A. Because I went to him at half-past eleven, and told him that Mrs. Maybrick had gone to bed in my room, and he said, "Very well." Mrs. Maybrick was in the dressing-room. My belief is that he didn't go to bed that night.
Q. The next morning did you induce her to go to her own room?
A. Yes.

Bessie Brierley.

Bessie Brierley at the Inquest said:—

"I remember the Grand National on the 29th of March, and that my mistress was away from home during the week preceding. She returned on Thursday evening before the Grand National. On the morning of that day the master left as if he was going to business, and mistress afterwards left between nine and ten o'clock. She took her departure in a cab, along with Mrs. Holden. My mistress came home first, about a quarter to seven, and my master after eight in the evening. I went upstairs to serve the children's supper, and I heard loud voices in the master and mistress's bedroom. They were the voices of Mr. and Mrs. Maybrick. I didn't hear what was said. Sometime after the bedroom bell was rung loudly. In consequence of that I went to the bedroom door, and master told me to go for a cab at once. I went for the cab, but after hearing what was to do I ordered the cabman to take the cab away."

Elizabeth Humphreys.

Elizabeth Humphreys at the Inquest said:—

"I remember about the period of the Grand National—the Grand National Day—and the week before it, when Mrs. Maybrick was not at home.

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She left home on Thursday, the week before the Grand National, returning the night before the race. Mr. Maybrick was at home all the week. So far as I knew, up to that time master and mistress seemed very happy. Both were from home on the day of the Grand National. They did not leave together, or return together. I saw that night master and mistress in the vestibule. I heard master say, "By heavens, Florrie; beware, be careful; if you once go through this door [meaning the front door] you will never enter this house again." Mrs. Maybrick was induced to go upstairs. Master was walking about very upset, and crying, about the hall.

Mary Cadwallader.

Mary Cadwallader at the Inquest said :—

I remember the Grand National day, when there was a quarrel. My master became very ill.

Bessie Brierley

Bessie Brierley's evidence at the Magisterial Inquiry was :—

"I remember the 29th March last—the Grand National Day. Mrs. Maybrick was away the week before that. She returned on the Thursday before the Grand National. Mr. Maybrick was not away from home during that week. On the night of the Grand National I saw Mrs. Maybrick at home about half-past seven. The bedroom bell rang, and Mr. Maybrick told me to go for a cab at once. The cab was not quite ready, and I returned without it. The other girls told me the cab was to send Mrs. Maybrick away in."

The Magistrate's Clerk: Never mind what the other girls told you.

A. I sent the cab away, as it was not wanted.

Alice Yapp.

Alice Yapp at the Magisterial Inquiry said :—

"I remember the 29th of March last, and for a week before that Mrs. Maybrick was away from home. She left as her address for letters to be sent to her, 'Grand Hotel, London,' and I wrote to her at that address. On the day of the Grand National Mrs. Maybrick told me she was going out to Aintree, and I was in the house when they returned, separately. Mrs. Maybrick was in the nursery when her husband came in. At that time I was nursing the youngest child, and about a quarter of an hour after Mr. Maybrick first came to the nursery I was on the landing, Mr. and Mrs. Maybrick being at that time in their bedroom, when I heard him say, 'Such a scandal. It will be all over the town to-morrow.' I afterwards heard him say when he had gone downstairs, 'Florrie, Florrie, I never thought it would come to this.' She had at that time got her bonnet on, and I hearing the words went downstairs. Mr. Maybrick said, 'Florrie, if you once cross that threshold, you shall never enter this house again.' I then spoke to her, and asked her not to leave. I put my arm round her waist, and pulled her upstairs, and took her into the dressing-room out of the night-nursery."

It is perfectly clear that, besides Mrs. Samuelson, there has been something kept back about this quarrel at the Grand National!

There must have been something else which would be—

"A scandal all over the town to-morrow"!!

Was it a scandal about Mrs. Maybrick or about himself which this man, who thrashed his wife and gave her a black eye, was so afraid would be "all over the town to-morrow"? The only evi-

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dence which throws any light as to what this scandal could have been is that of Dr. Hopper, Mrs. Briggs, and Michael Maybrick.

Michael Maybrick.

Michael Maybrick at the Trial said :—

Q. You are aware, of course, of a dispute having arisen in reference to this man Brierley ?

A. *I did not hear the nature of the dispute.* I had heard that there had been a dispute.

Q. As far as you are aware, your brother died entirely in ignorance of the guilty meeting in London ?

A. Yes ; I am convinced of it.

Q. The only complaint having to do with her was in reference to the quarrel at the Grand National.

A. Yes, I believe so. *I firmly believe he knew nothing except what took place on the race course.*

Q. You are aware there were complaints on both sides ?

A. Yes.

Other woman in case.

Q. You know the name of a woman has been introduced into this case ?

A. Yes. I am aware of it.

Q. *You are aware that at the instance of Mrs. Briggs, Mrs. Maybrick went to consult a friend in reference to this woman ?*

A. *Yes. I am aware of it.*

Q. *And a reconciliation was supposed to have been brought about between Mr. Maybrick and his wife ?*

A. *Yes.*

Dr. Hopper.

Dr. Hopper's evidence at the Inquest was :—

"I have been medical adviser of Mrs. Maybrick from 1882 to the present time, and I was the deceased's medical adviser from 1881 up to December last year."

Q. As their medical adviser had you occasion, at times, to visit their house at Battlecrease ?

A. Yes.

Q. Are you prepared to say, from the knowledge you obtained during these visits, whether they lived happily together ?

A. *I always thought so until March 30th.*

Q. On that date did Mrs. Maybrick call upon you at your house ?

A. Yes.

Q. Was there anything noticeable about her face at that time ?

A. Yes : she had a black eye.

Q. Did she tell you anything about a separation ?

A. Yes : she told me she wished to have a separation from her husband.

Q. I believe you advised her to cast the thought away ?

A. I did.

Q. While you were speaking to her did she tell you something that had happened ?

A. She said they had had a serious quarrel the night before.

Q. She and her husband ?

A. Yes.

Q. Did anything else happen on that occasion at your house ?

A. Nothing of importance.

Q. Did you on the same afternoon go out to see the children ?

A. Yes.

Q. While you were there did Mrs. Maybrick come into the room when you were there ?

A. Yes.

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Q. And while you were talking did Mr. Maybrick come in?
A. Yes.
Q. And Mrs. Maybrick left the room while you were talking?
A. Yes.
Q. But I believe she came in again at your suggestion?
A. Yes.
Q. When she came in again did they and you begin to talk of *what had happened the night before?*
A. Yes.
Q. Mr. Maybrick asked you to effect a reconciliation if possible?
A. Yes.
Q. And she at first appeared unwilling to be reconciled?
A. Yes, quite unwilling.
Q. But you did, in fact, effect what appeared to be a perfect reconciliation?
A. Yes, a perfect reconciliation.
Q. While this conversation was going on was any allusion made by either as to their feelings towards each other?
A. Yes. Mrs. Maybrick said she felt some repugnance towards her husband. The subject was the quarrel about the Grand National. The name of any one was not mentioned, but the sex was. It was a gentleman.
Q. Was any person's name mentioned in connection with the quarrel?
A. No name was mentioned.
Q. Did you understand who the person was?
A. I understood it was a gentleman.
Q. You understood that a gentleman was the subject of the quarrel?
A. Yes, the subject of the Grand National quarrel.

Black eye.

The Foreman of the Jury: Will you tell us whether the black eye of which you spoke was accounted for by the lady?
A. Mr. Maybrick acknowledged that he had struck her.
Q. When a certain gentleman's name was not mentioned between you, by what did you identify the person of whom you were speaking? By what other sign or token did you all three know of whom you were speaking?
A. It was because of a letter from the Baroness Roque which alluded to a Mr. B. Mr. Maybrick suggested to me that that was the man she was flirting with at the Grand National.

The Coroner: At this interview Mr. and Mrs. Maybrick talked of a certain person with whom Mrs. Maybrick was having a flirtation at the Grand National?
A. Yes.
Q. Did Mr. Maybrick suggest that this was the person with whom Mrs. Maybrick had a flirtation?
A. Yes.

[NOTE.—*The Baroness de Roque informs me that her letter, referred to in this evidence, did not contain any allusion to Mr. Brierley at all, and that she had never even heard his name until Edwin Maybrick mentioned it on the 17th of May, after her daughter's arrest, and indeed it may be observed that neither at the Magisterial Inquiry nor at the Trial was any such letter again referred to.—A. W. McD.*]

Now it is manifest that Dr. Hopper, at all events, had not heard of "the other woman in the case," about whom Michael Maybrick says that Mrs. Briggs took her to see "a friend" about a separation.

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NOTE.—*This "friend" was Mrs. Briggs' solicitor, Mr. Donnison, and she took Mrs. Maybrick to see him on the same day as she saw Dr. Hopper about her black eye, and Mrs. Briggs urged Mrs. Maybrick to go to him, telling her that Dr. Hopper (to whom she and Mrs. Maybrick had been that same morning, and who had advised her not to think of a separation) was, no doubt, a clever man, but that it was advisable she should go to see a lawyer and ascertain her legal rights. Mrs. Briggs went up to see Mr. Donnison first, leaving Mrs. Maybrick in the carriage, Mrs. Maybrick being, in fact, reluctant to say anything about the other woman in the case to Mr. Donnison. The woman, about whom Mrs. Maybrick and Mrs. Briggs did consult Mr. Donnison was some Mrs. Samuelson, to whom James Maybrick was paying a yearly sum of money.—A. W. McD.*]

It is perfectly plain that the only explanation given to Dr. Hopper about this beating his wife and giving her a black eye, or about the "scandal that will be all over the town to-morrow," was the flirtation with Brierley on the race course, the only evidence concerning which that has transpired during the proceedings was the evidence of Mrs. Samuelson, at the Inquest, and none whatever was given either at the Magisterial Inquiry or at the Trial, that Brierley, being of Mr. Maybrick's party, had got the tickets for the ladies for the grand stand, and had escorted Mrs. Maybrick back to the omnibus! It is perfectly plain if we accept Dr. Hopper's evidence as the whole truth of what he heard about the quarrel on the night of the Grand National, that Dr. Hopper was not made acquainted either by Mr. Maybrick or by Mrs. Maybrick about the "other woman," which Mrs. Maybrick, Mrs. Briggs, Mrs. Briggs' solicitor, and Michael Maybrick knew about, and concerning whom James Maybrick may have been afraid lest—

"This scandal will be all over the town to-morrow."

Mrs. Maybrick told Dr. Hopper she felt a repugnance to her husband. Well, as she knew about this "other woman," that would be natural enough! But, in spite of her black eye, and in spite of her knowledge of this other woman, may not the explanation of her not telling Dr. Hopper be this, that she was shielding her husband from a scandal that would be all over the town? and left Dr. Hopper to suppose that the reason why James Maybrick thrashed her and gave her a black eye, was because she walked back from the grand stand to the omnibus with his own friend Brierley, who was one of his party to the races?

Dr. Hopper must have either have been very simple, or his opinion of James Maybrick, whom he had attended as a medical man ever since 1881, must have been that he was a man given to violent fits of temper, over which he had no control, but which

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he quickly got over, when he—at James Maybrick's request—called Mrs. Maybrick in and made up this reconciliation.

Mrs. Maybrick's statement to the Jury discloses her reason for making this reconciliation on this Saturday, the 30th of March—this day after the Grand National.

"For the love of our children, and for the sake of their future, a perfect reconciliation had taken place between us."

From that Saturday, the 30th, forwards, although Dr. Hopper says he was present at two "discussions" afterwards at which there was no "quarrel" or "animosity" between them, there was, according to the evidence of every single witness—Dr. Hopper, Mrs. Briggs, all the servants, and Edwin Maybrick—no breach whatever.

The reconciliation of a wife with a husband, when made "for the love of our children and for the sake of their future," is natural enough; but, judging by ordinary human nature, it would be and could be "reconciliation" only! Judging by the ordinary human nature of women, the fact that Mrs. Maybrick knew, and had just been with Mrs. Briggs to a solicitor about another woman in the case, any reconciliation which took place would not be a return of love which had been estranged by the existence of this other woman in the case. It could only have been a reconciliation, unless, indeed, James Maybrick had explained away Mrs. Maybrick's knowledge or suspicions about the other woman, there would have been no return of actual love—though, for the sake of the children, there may have been a reconciliation.

The inference which will no doubt be drawn by an ordinary reader of this evidence, and it is all that has appeared as to the nature of the "scandal that would be all over the town to-morrow," is that it had nothing really to do with Mrs. Maybrick's walking on the racecourse with James Maybrick's friend Brierley, but that in some way it had come to James Maybrick's knowledge that Mrs. Maybrick had been saying something about this "other woman in the case." It will not escape observation that James Maybrick did not return home on the evening of the Grand National until after Mrs. Maybrick's return. Had he received any letter or heard anything in the meantime, and was it that which made him, when he got home, give Mrs. Maybrick a thrashing and a black eye, and shout out that—

"Such a scandal will be over the town to-morrow"?

It is, at all events, palpable that something has been kept back about this quarrel on their return from the Grand National.

Now, why has all this been kept back? Why was not the solicitor whom Mrs. Maybrick consulted on that Saturday, under the guidance of her confidential friend, Mrs. Briggs, put into the

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box by the Crown to show what were the relations between James Maybrick and his wife? Why was not Mrs. Briggs asked anything about this?

The next date as to which Brierley's name is introduced is in the evidence of Alfred Schweisso, the *waiter* at the hotel in London, in reference to the visit of Mrs. Maybrick to London, from the 21st to the 28th of March.

There can be no doubt that the history of this visit of Mrs. Maybrick's to London has never been told. It has been assumed (in fact, Mr. Justice Stephen distinctly told the Jury so) that this visit of Mrs. Maybrick's to London was for the purpose of a pre-arranged adulterous intrigue with Brierley!

Mr. Justice Stephen told the Jury this in these words:—

"There is one thing in this matter upon which there can be no doubt whatever; in fact, we have it now stated by Mrs. Maybrick herself that she did, about the latter part of March last, carry on an adulterous intercourse with this man Brierley. She went up to London for that purpose, and she stayed for some nights at the hotel there with him. They stayed together as man and wife, and she afterwards returned and went about her other duties."

Now, I do not know how to select language which is applicable to such a statement made by a Judge when presiding at a criminal trial.

The only language I will allow myself to use is that Mrs. Maybrick never stated one single word of all this. The only words she used which could in any way be said to refer either to Mr. Brierley or to any adulterous intercourse are as follow.

In her statement to the Jury she said:—

"In conclusion I have only to add that for the love of our children and for the sake of their future a perfect reconciliation had taken place between us, and that on the day before his death I made a free and full confession to him, and received his entire forgiveness for the fearful wrong I had done him."

There was not one other word said by Mrs. Maybrick upon the subject.

And what Mr. Justice Stephen ought to have pointed out to the Jury is the remarkable absence of any evidence whatever at the Trial of Mrs. Maybrick having ever even seen this man Brierley before, and that so far as the evidence produced by the Crown disclosed the history of the meeting of Brierley with Mrs. Maybrick in London, it could only suggest some sudden freak so far as Brierley was concerned, and was inconsistent with any pre-arrangement with Brierley.

Mr. Justice Stephen perverted the evidence when he represented it to the Jury as a matter beyond doubt that Mrs. Maybrick went up to London "for the purpose of carrying on an adulterous intercourse with Brierley." There was absolutely no evidence

whatever of any such pre-arrangement with Brierley, and it must be perfectly plain to my readers that those engaged in getting up the case against Mrs. Maybrick must have had some reason for keeping back all references to any previous acquaintance between Brierley and Mrs. Maybrick.

It must strike every reader of this treatise that the history of the object of Mrs. Maybrick's visit to London was not told at the Trial.

[NOTE.—*When she was in London she was taken by Miss Baillie, with whom she was staying on a visit, to see Miss Baillie's solicitors, Messrs. Markby and Stewart, and it is to be regretted that the object of her seeing this solicitor when in London was not disclosed at the Trial. Mrs. Maybrick's object in consulting Messrs. Markby and Stewart was at all events not "for the purpose of carrying on an adulterous intrigue with Mr. Brierley."—A. W. McD.*]

Mr. Justice Stephen, however, not only told the Jury that this visit was one which had been pre-arranged with Brierley for the purpose of adulterous intercourse, but he went on to say—

"I do not think it necessary or desirable—it is certainly not desirable—to read anything which is not necessary in such a matter. I do not think it desirable to say anything or read to you the correspondence between the prisoner and Mr. Flatman, who kept the hotel in question. It proves nothing except that she did make preparations to come up to London, and made preparations to stay at the hotel for the purpose of meeting Mr. Brierley."

Now, there is not a single syllable in that correspondence with Mr. Flatman which proves anything of the kind. It consists simply of letters and telegrams engaging rooms and ordering dinner—with particular directions as to the dinner for Mr. and Mrs. T. Maybrick.

Mr. Addison, when opening the case for the Crown, stated the effect of these letters fairly. He said :—

"Upon the 16th of March Mrs. Maybrick had to telegraph to London to a hotel in Henrietta Street, Cavendish Square. You will have before you the letters which she wrote, and which will be put in evidence. The effect of them is this : On the 16th of March she telegraphed for a sitting-room and bedroom at this private hotel. Having received no answer, she wrote again to the landlord and told him the rooms were engaged for Mrs. Maybrick of Manchester ; and she wrote again as to details as to the sort of dinner which 'Mr. and Mrs. Maybrick' would like to have, saying that her 'sister-in-law' was inexperienced in such matters. On the 18th (Monday) she wrote again to the hotel, saying that Mr. and Mrs. Maybrick would arrive on the 21st (Thursday), that her sister would stay there a week—from the 21st to the 28th—and that 'she was not particular as to price.' You have her then writing these letters from the 16th to 18th of March engaging this sitting-room and bedroom for her 'sister-in-law.'"

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Now, so far as those letters go, taken with the fact that no evidence whatever was given that Mrs. Maybrick even knew Brierley, they distinctly point to Mrs. Maybrick's engaging those rooms for some one else than herself—in fact, for Mr. and Mrs. Thomas Maybrick of Manchester, who were not called as witnesses to deny it. It is not, however, necessary to assume from the fact that they were not called to deny it that they were the persons for whom those rooms were engaged. Mrs. Maybrick may even be assumed to have made use of their names without their authority, but what I want to point out is that so far as those letters themselves are concerned, coupled with the fact that those engaged in getting up the prosecution kept out of the case any evidence at the Trial that Mrs. Maybrick even knew Brierley, before this visit to London, it is a direct perversion of the evidence to say, as Mr. Justice Stephen summed up that evidence to the Jury, that Mrs. Maybrick—

"Made preparations to stay at the hotel for the purpose of meeting Mr. Brierley," and for the purpose of 'carrying on an adulterous intercourse with him.'"

[NOTE.—*Although no evidence was given at the Trial of any previous acquaintance between Mr. Brierley and Mrs. Maybrick, I am informed by Cadwallader, the parlour-maid, and Elizabeth Humphreys, the cook, that Mr. Brierley was a frequent guest of Mr. Maybrick's; but that, except at dinner parties, he was never at Battlecrease House, and that neither Mr. Brierley nor any other visitor, in fact, ever came to Battlecrease House and saw Mrs. Maybrick alone. If Brierley did, in fact, betray his host, James Maybrick, it is very sad; but the betrayer, and not the victim, will be the object of the scorn of my readers. Our scorn must be absolutely exhausted on the man who accepts his friend's hospitality and eats his food and drinks his wine at his table, and then betrays him by seducing his wife.—A. W. Mc.D.*]

The fact that Mrs. Maybrick had thus engaged the rooms, and that Brierley subsequently was seen with her at that hotel, creates an inference which (if Mr. Justice Stephen had been presiding over a Divorce Court, and if the question at issue was adultery) might have been fairly drawn. But, in this Maybrick case, Mr. Justice Stephen was not presiding over a Divorce Court, but over a Criminal Court, and the issue before the Jury was not Adultery but Murder, and until the Jury had returned their verdict, Mr. Justice Stephen was present in the capacity of counsel for the accused, and not of prosecuting counsel; and I protest that the inference drawn from those letters of Mrs. Maybrick's engaging those rooms, that she had—

"'Made preparations to stay at the hotel for the purpose of meeting Brierley,' and 'for the purpose of carrying on an adulterous intercourse with him.'"

was an inference which should have been left to the prosecuting counsel, and that Mr. Justice Stephen, in his capacity of "counsel for the accused," should have protected her from that inference by pointing out to the Jury that the prosecution had given no evidence as to any prior acquaintance with Brierley. But Mr. Justice Stephen was not content with drawing that inference and putting forward that insinuation, as a prejudice against Mrs. Maybrick personally, but he went on to cast a filthy insinuation upon her; he went on to say:—

"What certainly is the most remarkable feature in the case about her conduct is that Brierley is not the first person who appeared at the hotel in London, or who appeared at the hotel in a very questionable position—we cannot go into the matter in detail—we do not know precisely what happened, or who the person was, as we do know some person, not being Brierley, met her at the hotel earlier in the evening, and that he went out with her to various places."

Now that language can only mean one thing—that Mrs. Maybrick having made preparations to stay at the hotel with Brierley for the purpose of adulterous intercourse, had received a visit earlier in the evening "from some other man in a very questionable position."

Why did not Mr. Justice Stephen, when casting such a filthy insinuation as that upon the woman in the dock, which would prejudice everybody against her, go into detail? Why did he not tell them what the evidence about it was—that the only evidence about it was that of Schweisso, who had said that at 6-30 p.m. that evening a gentleman had called and that they went out together to dinner and the theatre, and that Mrs. Maybrick had not returned to the hotel when he went to bed at 11 o'clock, and that that gentleman had called on Mrs. Maybrick the next morning, but she had gone out.

What in the world is there in that evidence which can possibly justify any man—much less any judge presiding at a criminal trial—in casting such a filthy insinuation upon any woman?

Mr. Justice Stephen says, "We do not know who the person was." The Crown knew who he was; they had subpœnaed him, and he was in Court ready to answer any question put to him. The Crown knew that he was a very old family friend, who had called and taken Mrs. Maybrick out to dinner and the theatre, and the Crown did not venture to even breath an insinuation that there was any impropriety whatever in the matter. If Mr. Justice Stephen thought there had been, and that it had anything to do with the cause of Mr. James Maybrick's death, why did he not order him to go into the witness-box?

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And by way of pressing home that filthy insinuation as a prejudice against this woman in the dock on her trial for murder, Mr. Justice Stephen went on to speak of her conduct during this visit to London thus:—

"So that she had left her husband, coming to London, meeting a man who has not been recognized, who is not known, and with him passing a very large portion of this day apparently. It was a very curious transaction. Whoever this man was, she was seen at breakfast with another man, who probably may have been Mr. Brierley, but he has not been positively identified, and he seems to have disappeared in the course of the day. After that she was undoubtedly in the company of Brierley, that is clear. I do not think there is much evidence as to where they went that day—but this is not a divorce case, and we will not go into these details—but she did sleep with Brierley that night. They stopped that night at the hotel, and the result was they stayed together two or three nights."

I shall ask my readers to observe that there was no suggestion during the whole of these proceedings that Mrs. Maybrick had ever before or since been an unfaithful wife on any other occasion, that there was not even a suggestion that on any other occasion she had placed herself in any compromising position with Brierley or anybody else. The whole effect of the evidence of all the witnesses and the whole effect of the absence of any suggestion to the contrary during the whole of the proceedings was, as stated to the Magistrates by Superintendent Bryning, that during the whole eight years of their married life—

"From what the police knew it appears that Mr. James Maybrick and his wife lived happily together until about the time of the Grand National this year, which was run on the 29th of March."

and as stated by Michael Maybrick—

Q. The only complaint having to do with her was in reference to the quarrel about the Grand National?

A. Yes, I believe so. I firmly believe that he knew nothing except what took place on the racecourse.

Only one fall from path of virtue.

If Mrs. Maybrick did fall on that occasion, it is clear that it was her first sin—her first and only departure from her allegiance to her husband; and it is something new among men (whatever it may be among women as among themselves, when they parade their own virtue by casting eyes of scorn upon some fallen sister who, in a moment of weakness, has been robbed of her virtue on the roadside of life, as if scorn was the diamond of virtue)—it is something new among men, I say, to stand by and approve of any man lacerating, as Mr. Justice Stephen did, a woman against whose virtue the only suggestion made was that she on one occasion fell from the path of virtue. Indeed, there are not many men who could look a fallen sister in the face and say that they have never fallen from the path of virtue themselves. It is something

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new in this country that the virtues of our homes need be propped up by a judge on the bench lacerating a woman if she has unfortunately been detected in a single fall from the path of virtue. The virtue of English homes needs no such propping and proclaiming, and it can be only those the virtue of whose own homes is insecure that can require a judge to give such proppings and proclaimings. If, in the particular class of society in which Mrs. Maybrick lived in Liverpool, such proppings and proclaimings are necessary, such a society is not representative of the homes of England, which are not so rotten at the core as to require them, and I feel no doubt that there are very few indeed of my readers who have read the extracts I have quoted from Mr. Justice Stephen's summing up to the Jury about this visit to London without feelings of indignation—that all my readers, in fact, except those the virtue of whose homes is insecure, have so read them, and those feelings of indignation found vent in the agitation throughout the whole civilized world which arose the moment that speech was read.

The world will, of course, assume that Mrs. Maybrick did, on this occasion, fall from the path of virtue—did commit adultery with Brierley. They will accept her own words in her statement to the Jury as a confession, not merely of an estrangement of love from her husband for Brierley, but of her having actually committed adultery with Brierley—

"On the day before his death I made a full and free confession to him and received his entire forgiveness for the fearful wrong I had done him."

The world will, of course, assume that "the fearful wrong she had done him" was actual adultery—and especially when the world knows, as it does by the evidence of Michael Maybrick, that there was "another woman in the case, and that there were complaints on both sides" it will naturally be assumed that at some time or other—under some temptation or other—Mrs. Maybrick had fallen from the path of virtue and had confessed it to her husband and her husband had forgiven her.

But what is there in these words of Mrs. Maybrick's statement to the Jury which could have justified Mr. Justice Stephen in his possitive assertion that Mrs. Maybrick had herself stated that she had gone up to London at the end of March for the purpose of carrying on an adulterous intrigue with Brierley, and that she herself had stated that she had stayed with him for some days at a London hotel?

Mrs. Maybrick had said nothing of the sort.

Mr. Brierley.

[NOTE.—*Mr. Brierley, of course, can tell, but though he was subpœnaed by the Crown, and was present in court, the Crown did not venture to put him into the witness-box, and the only account he has*

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given of the relations between himself and Mrs. Maybrick was given to a newspaper interviewer at the time when Mrs. Maybrick was lying under sentence of death, and his account of them, given on that solemn occasion, was this:—

"A most injurious misconstruction and misinterpretation has been put upon my relations with Mrs. Maybrick, as unjust to her as it is unfair to myself. Our meeting in London was a grave wrong, but in this trial it has been magnified greatly to her injury and mine, and assumptions have been based upon it which are entirely unwarranted by the actual facts."]

Mrs. Maybrick, when stunned by the verdict, placing her hands on the rails of the dock, uttered words which must not be forgotten:—

"My Lord, everything has been against me. Although evidence has been given as to a great many circumstances in connection with Mr. Brierley, much has been withheld which might have influenced the jury. I am not guilty of this crime."

The world will, of course, assume from the evidence of Nurse Wilson that on the Friday, the day before death, Mrs. Maybrick did make a confession of adultery to her husband.

Nurse Wilson.

Nurse Wilson's evidence as to what occurred on the day before death was—

"During the evening of the Friday, about six o'clock, the patient said, 'O, Bunny, Bunny! how could you do it? I did not think it of you.' He said this three times."

Q. At that time how did he appear with regard to the state of his mind?

A. He appeared quite conscious.

Q. Did Mrs. Maybrick answer?

A. Yes. She said, "You silly old darling, don't trouble your head about things."

There may, however, be some of my readers—and I confess I have that feeling myself, who will say that this evidence of Nurse Wilson is certainly not suggestive that any confession of actual adultery had been made. It rather suggests that Mrs. Maybrick had confessed to her husband that she had deceived him about Brierley—that she had met him in London, or corresponded with him, or otherwise placed herself in a compromising position with Brierley. But whatever it was that she did confess on that occasion, Mrs. Maybrick alone can now tell, and what she said herself about it in her statement to the Jury gives weight to the evidence of Michael Maybrick, who did not think that any confession of adultery had been made—

Q. As far as you know your brother died in entire ignorance of the guilty meeting in London?

A. Yes; I am convinced of it.

But assuming—as we must assume—that Mrs. Maybrick did fact fall from the path of virtue on the occasion (the only occasion suggested) of this visit of hers to London, was there nothing which will appeal to the candour of men and women as an extenuation for that fall in the fact disclosed by Michael Maybrick?—

Q. You are aware there were complaints on both sides?
A. Yes.
Q. You know the name of a woman has been introduced into this case? Other woman in case.
A. Yes.
Q. You are aware that, at the instance of Mrs. Briggs, Mrs. Maybrick went to consult a friend in reference to this woman?
A. Yes, I am aware of it.
Q. And a reconciliation was supposed to have been brought about between Mr. Maybrick and his wife?
A. Yes.

Addressing myself to the men and women of England—supposing Mrs. Maybrick, at a time when with knowledge or a belief that her husband was not true to her, had succumbed to some man who was "kind" to her, and taken advantage of this woman in her hour of weakness—is it to be tolerated that any judge who had heard this evidence of Michael Maybrick's, should publicly lacerate that woman in the dock as Mr. Justice Stephen lacerated her, and leave such evidence as this of Michael Maybrick's unnoticed, and say it would be "painful" to call Brierley?

I shall ask my readers to peruse the following (which is the whole of the evidence given during the whole proceedings concerning the arrangements for this visit of Mrs. Maybrick to London, and of what occurred during that visit), and peruse it candidly without any desire to revel over the weakness of some weak woman when it is discovered and dragged into the glare of publicity (which is the food the modern Press supplies to those who run and read our newspaper literature), but with a careful thought whether such evidence is such as should have justified a jury if the issue before them had been adultery (instead of murder) in finding that Mrs. Maybrick did commit adultery.

If a sufficient proof of adultery in March is to be regarded as a sufficient proof of motive for murder in May, which is what Mr. Justice Stephen emphatically and repeatedly laid it down to be, then I insist that the sufficient proof of adultery, at all events, must be shown by the evidence; and this, I say, a perusal of this evidence (and it was the only evidence given) does not show. I shall also ask my readers to draw this inference from the absence of any further evidence by those engaged in getting up the prosecution of this case, that the history of this visit to London has not been told; and that until some public investigation has been made into the real history, we should not, like the Levites of old, "pass by on the other side;" but should consider thoughtfully and earnestly

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the last words which Mrs. Maybrick has addressed to us all—solemn words, uttered at the most terribly solemn moment of her life, at the moment, when stunned with the verdict, when she saw, as all the world saw, that she had been found guilty of murder because she had committed adultery, and was asked :—

"Have you anything to say why the Court should not pronounce sentence of death?"

the prisoner, placing her hands on the rails of the dock, said :—

"My Lord, everything has been against me. I wish to say, although evidence has been given as to a great many circumstances in connection with Mr. Brierley, much has been withheld which might have influenced the jury had it been told. I am not guilty of this crime."

Not guilty of this crime!—this crime of wilful murder! She was on her trial for murder, not adultery! Brierley was not called! The chambermaid was not called! The police produced as their only witness the waiter, Alfred Schweisso! This is the position of this matter, and Mrs. Maybrick is now passing in our midst either to death or madness in Woking Jail, cast into association with the most degraded of her sex. Have the English people become like the Levites of old, passing by on the other side. Are my readers Levites?

Alice Yapp.

The evidence as to the arrangements for this visit is that of Alice Yapp, who said at the Inquest :—

Q. Carry your memory back to the week before the Grand National. Do you remember whether in that week Mrs. Maybrick was away in London—whether she was away from home?

A. Yes.

Q. Can you tell me the date in which she left home?

A. It was either the Friday or the Saturday before the Grand National—the week before.

Q. Can you tell me when she returned?

A. The day before the Grand National.

Q. Can you tell me whether your master was away from home or not?

A. No, sir, he was not.

Q. Is there any matter by which you can tell me where Mrs. Maybrick was that week?

A. Yes. When she left she told me to write her at the Grand Hotel.

Q. Did you address letters to her there?

A. Yes. I wrote to her on the Sunday, and addressed my letter to the Grand.

At the Magisterial Inquiry :—

"I remember the 29th of March, and that the week before that Mrs. Maybrick was away from home. She left, as her address for letters to be sent her, 'Grand Hotel, London,' and I wrote to her at that address."

At the Trial :—

"I remember the day of the Grand National, the 29th of March, and before that I am aware that my mistress had gone to London. Before going,

she said she was visiting London to see her mother, and I promised to write to her." Brierley Incident.

The above is the whole of the evidence as to the arrangements for visiting London, out of which Mr. Justice Stephen evolved his assertion to the Jury—that Mrs. Maybrick "had left her husband," and had "made preparations to stay at Flatman's Hotel in London," for the "purpose of carrying on an adulterous intercourse with Brierley."

The real effect of this evidence is, that she did not "leave her husband," but that Mr. James Maybrick was at home and was fully cognizant of Mrs. Maybrick's going to London, and that she was going to stop at the Grand Hotel.

It is perfectly clear that her going to London and her going to stop at the Grand Hotel was a matter perfectly well known to her husband, and that he was perfectly willing that she should go. There is no question of "leaving her husband" about it. Alice Yapp, at the Trial, introduced something which she had said nothing about, either at the Inquest or Magisterial Inquiry, namely, that she had said before leaving that she was going to visit her mother, which is an extremely unlikely tale, because James Maybrick knew that her mother was not in London but in Paris. If Mrs. Maybrick was telling a fib of intrigue, she would have given out that she was going to visit some one whom her husband might suppose was in London. It is absolutely absurd to suppose that she would have said any such thing as that she was going to London to see her mother! Visit to London. Fibs of intrigue.

As to what Mrs. Maybrick did while in London the only evidence which the Crown brought forward was that of Alfred Schweisso, the *waiter* of Flatman's Hotel!! the hotel to which Mrs. Maybrick had written ordering rooms for Mr. and Mrs. Maybrick of Manchester.

It will be remembered that the Coroner at the Inquest on the body of James Maybrick had said that Mrs. Maybrick must be present "to be identified by a witness" before he took any evidence touching the death of James Maybrick!! and that Mrs. Maybrick was accordingly brought from Walton Jail into the ante-room of the Coroner's Court to be "identified," and when there, first of all, Mr. Flatman, the proprietor of this private hotel, was sent into the ante-room to identify her, but he could not!

Mr. Flatman's evidence at the Inquest was:— Mr. Flatman.

Q. Well now, Mr. Flatman, having received these letters, did, on the 21st of March, a lady present herself at your hotel?

A. I presume from my books that she did. I am told, but do not know her, and have no recollection of her.

Q. Can you tell me of your own knowledge whether, later on the same day, she was joined by another person?

A. No.

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Q. Of your own knowledge do you know if any gentleman stayed with her.

A. No. I am told——

Q. *For anything you know she may have slept by herself?*

A. *Yes.*

Q. *Would you recognize the lady again if you saw her?*

A. No. I have been shown some ladies here, but I could not recognise any of them.

Schweisso, the waiter.

Then those who were getting up this case called Alfred Schweisso, the waiter, instead of the chambermaid. It is very odd that the police did not call the chambermaid!!

Schweisso's evidence at the Inquest was:—

"I am head waiter at the private hotel kept by Mr. Flatman, in London. I was at the hotel on Thursday, 21st of March. A lady named Mrs. Maybrick arrived about half-past one o'clock in the afternoon. She brought a portmanteau and a dressing-bag with her. She also engaged a bedroom and sitting-room."

Q. Do you recognise her as Mrs. Maybrick?

A. Yes.

Q. You have already seen her once?

A. Yes.

Q. Would you know her now?

A. Yes.

The witness was taken by Inspector Baxendale into the adjoining ante-room, and there identified Mrs. Maybrick as the lady who had stopped at the hotel. On his return into court the Coroner said—

Q. Have you just seen that lady?

A. Yes.

Q. You have seen her before to-day?

A. Yes.

Q. She was then amongst a number of ladies and other persons!

A. Yes.

Q. You have no doubt about her?

A. No.

Q. Having got to the hotel what did she do?

A. She engaged the dining-room, and the bedroom adjoining the dining-room.

Q. Later in the day did a gentleman come to the hotel?

A. Yes, and the same evening a gentleman came and took her out to dinner and to the theatre.

Q. Did you see her return to the hotel?

A. No, I had gone to bed.

Q. The next morning, the 22nd, had Mrs. Maybrick been joined by another person?

A. Yes, Mr. Maybrick; another person came to the hotel.

Q. What name did he give?

A. He was her husband as far as I knew.

Q. This was a male person?

A. Yes.

Q. Did they stay at the hotel as man and wife?

A. Yes, they did.

Q. How long did they stay on these terms?

A. From the 21st to the 24th.

The Coroner: When you say they stopped on those terms, do you mean to say they slept in the same bed?

A. They slept in the same bedroom.

Q. As I understand you, on Thursday, at half-past six o'clock, the lady went from the hotel with a young gentleman?

A. Yes, next morning he called, but Mrs. Maybrick was out, and he never called again.

The Coroner: *On Friday morning, the 22nd*, you found a gentleman whom you believed to be the husband of the lady. When did you first see him?

A. *At breakfast time.*

Q. From that time up to Sunday, the 24th, they lived together as man and wife?

A. Yes.

Q. Have you seen the gentleman?

A. Yes, to *the best of my belief* that is the gentleman [pointing to Mr. Alfred Brierley].

Q. Did they leave on the 24th?

A. Yes.

Q. Are the entries in the memorandum book produced yours?

A. Yes.

Mr. Mulholland: You say that a gentleman called on Thursday, the 22nd?

A. Yes.

Q. Was that the same gentleman you saw this afternoon [Mr. Brierley]?

A. No, sir.

Q. Then a gentleman called and took her out to a theatre, and you know no more about him?

A. Except that he called to see her next morning and she was out.

Q. *The gentleman you have identified [Mr. Brierley] came on the Friday, the 22nd?*

A. *Yes, I expect so.*

Q. *But do not mind expecting, when did you see him?*

A. *At breakfast on Friday morning.*

Q. But he was not the same gentleman who took her out on the former evening?

A. No, sir.

At the Magisterial Inquiry:—

"On Thursday, March 21st, I was at the hotel. Mrs. Maybrick came there about 1-30 in the afternoon. She brought with her a portmanteau and dressing case. No one was then with her. Afterwards a gentleman called about 6-30 in the evening. They went out together in a cab about ten minutes past seven o'clock. I went to bed about eleven o'clock, but did not see Mrs. Maybrick return. *Next morning, Friday, the 22nd, at breakfast time, I saw Mrs. Maybrick at half-past nine. A gentleman I understood to be Mr. Maybrick was with her. I now know it was Mr. Brierley. They had breakfast together.* It was not Mr. Brierley who was with Mrs. Maybrick on the previous day, Thursday, 21st, but another man. They dined together at the hotel in the evening. I did not see them together again until the following morning, Saturday, 23rd, when they were at breakfast. They remained at the hotel till Sunday morning, the 24th, when I saw them again at breakfast time. They left at lunch time, and about one o'clock Mr. Maybrick said he had a telegram from his brother. *He paid the bill for the two. I produce a copy of the bill. Brierley paid £2 13s.* On Thursday, March 21st, he had dining-room and bedroom adjoining at 9, Chapel Place. On Friday, the 22nd, he had

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No. 9 bedroom and 16 sitting-room in Henrietta Street. During their stay there the two had only one bedroom. *I knocked at their bedroom door to tell them breakfast was ready. That was only the first morning, Friday, the 22nd. I saw Mrs. Maybrick come out of the bedroom. I did not see Brierley come out.*

At the Trial:—

"I remember on Thursday, the 21st March, a lady coming to the hotel between one and half-past one o'clock."

Q. Who was that lady?

A. Mrs. Maybrick.

Q. Were you aware that rooms had been engaged beforehand?

A. Yes.

Q. What rooms were engaged?

A. The first rooms were in Chapel Place—a dining-room and bedroom adjoining.

Q. Was there any gentleman called to see the lady in the afternoon of that day?

A. Yes, sir.

His Lordship: What time?

A. About half-past six o'clock.

Q. What did they do that evening?

A. They went out.

Q. At what time?

A. About a quarter to seven o'clock.

Q. Do you know what time Mrs. Maybrick returned?

A. I do not, sir.

Q. What time did you see her next?

A. On Friday, the 22nd, at breakfast.

Q. Did any one breakfast with her?

A. I saw some one else with her, but they did not breakfast with her.

Q. Was that the gentleman who called the previous evening?

A. No.

His Lordship: At what time would that be?

A. About half-past nine, a.m.

Q. *Did she breakfast in the private room?*

A. *In the dining-room. It was a private room, and was occupied as a sitting-room. I did not wait at breakfast, although I took it in to her. It was only for one person. On Friday, the 23nd, I saw Mrs. Maybrick with Mr. Brierley.*

His Lordship: *What time was that?*

A. *About half-past seven o'clock p.m. I first saw Mr. Brierley at dinner.* He occupied the same bedroom in the hotel as Mrs. Maybrick. They occupied the same bedroom up to Sunday, when they left between twelve and one o'clock. *Mrs. Maybrick paid the bill.*

Discrepancies in evidence.

Now, it is perfectly plain by a comparison of this waiter's evidence on the three occasions that, had this been a trial of an action in the Divorce Court instead a criminal court, the judge would have directed the attention of the jury to the discrepancies, and would have pointed out that this waiter had first said that Brierley and Mrs. Maybrick occupied the same bedroom from Thursday, 21st, to Sunday, 24th; that he had then said that he first saw Brierley at breakfast with Mrs. Maybrick on Friday morning, the 22nd, at 9-30 a.m.; that the only occasion he had knocked at the bedroom door was on this Friday, the 22nd, to say

breakfast was ready; that he saw Mrs. Maybrick only come out of the bedroom; that he took up breakfast for only one person, and that he had subsequently said that he did not see Mr. Brierley until dinner time at 7 o'clock p.m. on that Friday; that at first he said Brierley paid the hotel bill, and then that Mrs. Maybrick had paid it. Why did not Mr. Justice Stephen (who had all those depositions before him) ask this man to explain these discrepancies?

Schweisso's letter.

[NOTE.—*To this evidence I will add a copy of the letter I received from this waiter Schweisso, which I have already set out on p.* 16, *and I shall ask my readers whether this is the sort of way they intend criminal cases to be got up in this country? or even whether they intend evidence about adultery to be got up in this way?—A. W. McD.*]

66, Oliphant Street, Queen's Park Estate,
London, January 18th, 1890.

Sir,—I received your letter this morning at this address, where I am at present staying, as I have left Mr. Flatman's. I should be too glad to do that which would be of assistance to your committee in getting Mrs. Maybrick released. I am aware that everybody for the prosecution was dead against her, especially those whose duty it was to go no further than seeing that justice was done, but they proved to me to be very much two-faced. I am really sorry to say that I did not act as I ought to have done, inasmuch as it was a matter of life and death; but I was really afraid of the consequences that might happen. I will give you an instance. When I arrived at the coroner's inquest I met an inspector. This was the conversation that passed between us: He said, "Will you be able to recognize Mrs. Maybrick?" I said I should not. He said, "Keep with me, and I will take you so as you can see her," or something to that effect, "because you will be sworn, whether you can recognize her or not, when you are called." I saw her twice before I was taken to recognize her, to the order of the coroner. Secondly, I had more trouble in recognizing Mr. Brierley, as I will prove to you. He was in the court all the morning, near where I was standing myself, and I did not recognise him again. Inspector came to me again, and said, "Mr. Brierley was against you; I suppose you recognized him." Well, I never saw him. I give you this statement to show you that honestly I could not recognize him if it had not been for the police. You are aware that at the coroner's court the coroner dwelt chiefly on Mrs. Maybrick's movements in summing up, and that it was published in the local papers that the case would be quashed up. I told the inspector this. He said, "I have seen it myself, but I have a different opinion, for it's going to end against her," or something to this effect. Now, with regard to Mr. Brierley. Of course, I should not have recognized him at all if it had not been for the police; but as I was for the prosecution, I went by their orders, which I am sorry for now, for they acted in a very shameful manner. Well, after they returned from luncheon, that inspector told me to nod to him when I recognized Brierley, as he would be in court in two or three minutes. Well, I could not recognize him when he came; but a policeman came up to me and showed me where Mr. Brierley was. I give you this statement voluntarily, to show you, as far as I am concerned, that it was a regular got-up case of the police.—Yours very faithfully, ALFRED SCHWEISSO.

It is very extraordinary, but it has been made absolutely necessary by the course taken in the Maybrick case, that I should

Brierley incident.

have to repeat that this was not the trial of a cause in the Divorce Court, with Adultery for the issue and dissolution of marriage as the result, but a criminal trial for Murder by Arsenic with the death on the gallows as the result. But I do not think there can be much doubt that if a petitioner had offered in a Divorce Court as proof of adultery nothing but the evidence of an hotel proprietor to say he could not recognise the parties, and the evidence of a *waiter* (the glaring discrepancies of whose evidence showed that he really knew nothing about the matter), to say that he identified Mrs. Maybrick and Brierley as persons whom he had not only seen at the hotel, in his capacity of waiter, but who had slept together in the same bedroom, while the chambermaid was kept back, I do not think there is very much doubt what Mr. Justice Hannen and Mr. Justice Butt would have said to the jury about a case being got up in that way! I think either of those judges would have told the jury that there was *insufficient proof of adultery*, that waiters at hotels do not usually know who are occupying bedrooms, and that the absence of the chambermaid and the non-recognition of the parties by the landlord was a "suspicious circumstance," and, indeed, if not contested, suggestive of some collusion, or some private arrangement that the history of what had really occurred should be kept back from the jury.

Now has there been any collusion or arrangement in this Maybrick case to keep this back?

If in this Maybrick case we conclude—and I take it we must so conclude—that Mrs. Maybrick did on some occasion or other (whether at Flatman's Hotel or elsewhere), commit adultery with Brierley, that conclusion is based on *assumption*, not on *proof*.

[NOTE.—*It will be remembered (see page 99), that Dr. Carter alleges that Mr. Michael Maybrick told him on Thursday, the 9th of May, that Mrs. Maybrick's infidelity was not merely* suspected *(as it might have been suspected if Michael had at that time received the letter to Brierley, which Alice Yapp alleged she had intercepted on the 8th), but* positively known. *Now, if Michael knew anything whatever about Flatman's Hotel on that Thursday, the 9th of May, something has been kept back, and the keeping it back is such a "suspicious circumstance" as to be even capable of the suggestion that Brierley had in some way been in communication with Michael Maybrick about this visit to Flatman's Hotel, at which Mrs. Maybrick by staying there and meeting Brierley there (whether they actually occupied the same bedroom or not, or whether Brierley actually did take advantage of his opportunity or not), placed herself in such a compromising position for any wife to be in that the circumstance could not bear investigation. The police, according to the evidence of Inspector Baxendale, did not receive the letters*

Michael Maybrick.

ord ring the rooms until the 25th of May. I say, if Michael Maybrick did know on that Thursday, the 9th of May, anything about this visit to Flatman's Hotel, especially in view of the fact that he knew there was another woman in the case of whom Mrs. Maybrick was complaining, the fact of his knowing it, is suggestive that he knew it from Brierley, as it cannot be suggested that Mrs. Maybrick had told him about it, and the fact that Michael Maybrick made the statement which Dr. Carter says he did make on that Thursday, the 9th of May, and presumably also to Dr. Humphreys on Wednesday, the 8th of May, it seems an almost irresistible conclusion that the real history of that visit to London has not yet been told, and that Michael Maybrick has not told all he knew about it.—A. W. McD.]

Brierley Incident

The only other thing which was said about this visit to London was, to use Mr. Addison's words:—

"What she did for the rest of the week until Thursday, the 28th, when she was timed to come home, I do not know, but on the 28th, exactly a week after she had gone away to London, she returned to Battlecrease House. The next day, the 29th of March, the Grand National was run in Liverpool, and both she and her husband went there. He came back at seven at night, and it was evident to the servants that there had been a quarrel between them."

Now this completes everything that was brought forward about Mrs. Maybrick's visit to London, or about any occasion upon which she had been, or had been assumed to have been, an unfaithful wife. I shall ask my readers to remember that if Mrs. Maybrick did fall on that occasion, it was her one sin of adultery. We know nothing about what *temptations* she was exposed to at the hands of this man Brierley—this friend of James Maybrick's. But we have had some indications of what *provocation* she at that time had from the evidence of Michael Maybrick concerning the quarrel which took place between James Maybrick and his wife, when he gave her a thrashing and a black eye the day after her return from London.

Q. You are aware there were complaints on both sides?
A. Yes.
Q. You know the name of a woman has been introduced into this case?
A. Yes.
Q. You are aware that at the instance of Mrs. Briggs, Mrs. Maybrick went to consult a friend in reference to this woman?
A. Yes, I am aware of it.

Object of pity, not scorn.

Now, I am not going to put forward any such proposition as that, if a husband is unfaithful to his wife, the wife has any right to retaliate by being unfaithful to her husband; but I am going to lay down this proposition: that if a wife discovers, or imagines that she has discovered, that her husband is unfaithful to her, she, with her heart thus stricken, is a ready prey to the wiles of any

Brierley incident.

man who would be a "friend" to her, be "kind" to her; and that if in such a moment of weakness she falls, she is the object of pity, and not of scorn, by every honest man and every honest woman, and that if, under such circumstances, Brierley did take advantage of the opportunity of her visit to London to betray his friend, James Maybrick—it was Brierley, not Mrs. Maybrick, who should have been lacerated by Mr. Justice Stephen, of whom he thought it would be "painful to have him here." The fact of this, her only fall—if we must assume that it was a fall—ought not, by any judge on the bench of England, to have been pressed against her as a prejudice when she was in the dock on her trial for Murder by Arsenic.

The next circumstance in connection with Brierley is the intercepting of a letter by Alice Yapp at 3 o'clock on Wednesday, May 8th, which Mrs. Maybrick had sent her to post.

Alice Yapp and the letter to Brierley.

Alice Yapp produced at the Inquest a pencil letter and a soiled envelope—(see facsimiles)—which she alleged was the letter she had intercepted on that day. Edwin Maybrick identified it as the letter she had given him at half-past five that evening, and Michael Maybrick identified it as the letter which Edwin had given him on his arrival from London that night at 8-30 p.m. If that letter is the letter which Alice Yapp intercepted on that Wednesday, the 8th, at 3 p.m., it contains some expressions which are altogether inconsistent with its having been written at that time, and I shall ask my readers to carefully follow the evidence given about that letter. The only other observation I need make about it at this stage is that *these three people kept the fact of their having any letter a profound secret amongst themselves.* They did not tell either James Maybrick or Mrs. Maybrick anything about it, and nobody but themselves knew anything about it, and, to this day, Mrs. Maybrick has never had an opportunity of inspecting that pencil letter to see whether it is genuine.

Dr. Carter.

[NOTE.—*Dr. Carter says in his article in the Liverpool Medico-Chirurgical Journal :—*

"I heard of the dropped letter and its contents for the first time at the coroner's inquest, and I am neither disposed nor entitled to offer any opinion whatever on the nurse's story concerning it."

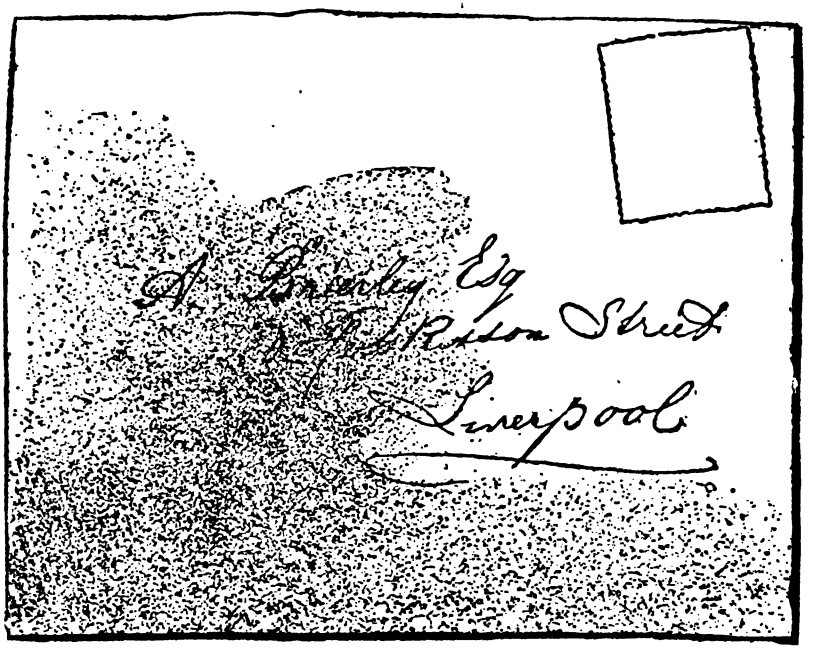
And Mrs. Briggs said to the interviewer of the *Liverpool Daily Post*, August 15th, 1889 :—

Q. When did you first hear anything about the letter opened by Alice Yapp?

A. I knew nothing about it until it was publicly mentioned, and I was perfectly ignorant of Mrs. Maybrick's intrigue with Brierley.

Mrs. Briggs.

So that Mrs. Briggs knew nothing about this letter until the Coroner's Inquest on the 28th of May—because that was the first time


A. Priestley Esq
Liverpool

Wednesday

K

Dearest

Your letter marked cover
to John C- came to hand & not
after I had written to you on
Monday. I did not expect to
hear from you so soon & had delay'd
in giving them the necessary
instructions. Since my return
I have been mostly also day &
night - he is sick unto death!
The doctors held a consultation
yesterday & now all depends
upon how long his strength
will hold out! Both Amy
brothers-in-law are here & we
are terribly annoyed. I cannot
answer your letter fully to day
my darling, but believe your
mind of all fear of discovery
now for he has been delirious since
Sunday. & I know now that
he is perfectly ignorant of anything
as to the name of the Street & Ho
that he has not been making

any misgivings whatever! The tale he told me was a pure fabrication & only intended to frighten me. In fact the truth out of his statement about it. You need not trouble yourself about me. I am determined to go abroad on that account & he will not prevent

My dear Florie

I suppose now you have gone I am safe in writing to you. I don't quite understand what you mean in yr. last about explaining my line of action. You know I cannot write & was willing to meet you as tho' it wd. have been very dangerous. Mak certainly yr. telegram yesterday was a staggerer tho looks as if the secret was certain, but as yet I cannot find an advertisement in any London paper. I shd like to see you but at present dare not move one had perhaps not meet until late in the autumn. I am going to try & get away for about a fortnight: think I shall take a round trip to the Mediterranean which will take 6 or 7 weeks unless you wish me to stay in England Supposing the rooms are found I think both for us I would be better away as the main memory would be subsided after 3 months. I will write to you when I go. I cannot touch

myself at present to write about my feelings on this unhappy business but I do hope that I shall sometime hence I shall be able to show you that I do not quite deserve the strictures contained in yr. two last letters. I went to the D. of D. & of course heard some tales but myself knew nothing after anything more than Good bye hoping we shall meet in the autumn. I will write to you about sending letters just before I go

LB

it was publicly mentioned. This is the more remarkable because on the 14th of May, Mrs. Briggs suggested—in sarcasm—that Mrs. Maybrick should write to Brierley to help her in her hour of distress, when she was in custody and without friends and without money for stamps, to send her some money for present needs.

Brierley Incident —

I have questioned Elizabeth Humphreys, the cook, and Mary Cadwallader, the parlour-maid, as to when they first heard about this letter, and they tell me that they did not hear anything about what was in the letter until it was read at the Coroner's Inquest, but that on the night of the 11th of May, after James Maybrick's death, Alice Grant, the gardener's wife, came into the kitchen, and told them that a love letter of Mrs. Maybrick's had been picked up. How Alice Grant came to know it then is odd, and why Alice Grant was not called as a witness is also odd.

Elizabeth Humphreys
Mary Cadwallader
Alice Grant.

The Baroness von Roque tells me that on her arrival at Battlecrease on the 17th of May (see page 10), Edwin Maybrick told her a letter to a man had been found.

Baroness de Roque.

"I said 'Letter to a man?—what man?—do, Edwin, tell me a straight story? He replied: 'Why to the man Brierley. She wrote him a letter, and it was found.' I said, 'Who found it?—You?—and who is Brierley?—when did she know him?—she never mentioned him to me.' He replied: 'She met him this winter at some dances, and she was always so quiet and domestic before I would never have believed it of Florie; but this winter she was changed and would go out to dances. I wish I could meet Brierley.' 'Yes,' I exclaimed, 'that is about the best thing you could do. In my country, and among the men I have known, they would have met Brierley instead of calling in the police. But about this letter; who found it? He said: 'Nurse.' I asked, 'Where, and if she found it, why did she not give it back to her mistress. What have *you* to do with it?' He replied: '*She found it on the floor. It fell from her dress when she fainted, and I carried her into the spare room.*' 'But,' I said, 'how do you know it was to Brierley?' He replied: '*It was written in pencil, and fell on the floor.*'

There are, as will be seen when we come to consider this pencil letter, some expressions in it which make it probable, at all events, that this pencil letter was not written on Wednesday the 8th.—A. W. McD.]

Now the first thing to be observed about this correspondence is that the letter of Brierley to Mrs. Maybrick has no date, and from the words with which it commences—

The correspondence with Brierley

"I suppose now you have gone I am safe in writing to you,"

it may be assumed that it was the *first* letter Brierley had written to her after her visit to London, and that it was written shortly after her return, which was on the 28th of March; but, whatever the date of it was, Mrs. Maybrick's letter, which Alice Yapp alleged that she intercepted on Wednesday, 8th May, was her reply to it. But at whatever date it was written, and at whatever date it was received, and at whatever date Mrs. Maybrick's reply was written,

Brierley's letter of desertion.

Brierley Incident.

one thing stands out in this correspondence clear above all things —that these letters are not letters of love. Brierley's letter to Mrs. Maybrick is the letter of a consummate scoundrel, who, having betrayed a woman, is seeking to desert her. There is no mistaking this. No man, and no woman, could possibly misunderstand the meaning of it. Brierley, having got this woman into a scrape, is trying to escape any consequences falling upon himself, but has not the courage to openly defy her, and openly tell her he is going to cast her off and that she must take care of herself. He is afraid of being found out by his friend James Maybrick, and he accordingly, while trying to desert her, suggests the best way he can think of of keeping Mrs. Maybrick quiet.

Let us examine that artfully composed letter of desertion. It begins with a complaint, "I don't quite understand what you mean in your last about explaining my line of action." Mrs. Maybrick had written him some remonstrance, and had demanded some explanation. It goes on to excuse his not writing to or meeting her, as "it would have been very dangerous." He is "staggered" at some telegram she had sent him which had frightened him lest James Maybrick should find it out—that the result seems certain though he cannot find any advertisement—which evidently means that Mrs. Maybrick had telegraphed him that James Maybrick was employing detectives, and Brierley is frightened and "staggered" because he regards the result as certain that this visit to Flatman's Hotel will be discovered by his friend James Maybrick. Being thus staggered he says—

> "I should like to see you but at present dare not move,"

And says—

> "We had better not meet until late in the autumn,"

that is for six months at least! by which time it will be all blown over. He goes on to say that he himself will get out of the way in the meantime by taking—

> "A round trip on the Mediterranean, and will start in a fortnight, unless *you wish me to stay* in England."

'If you wish me to stay."

He underlines the words separately, "you wish me to stay." He tries to meet Mrs. Maybrick's remonstrances at his conduct by making her place herself under obligations to him, by saying that he should only stay in England if "*you wish me to stay!!*"

Then he advises her also to get away somewhere. He does not ask her to go with him, nor does he suggest where, "as the man's memory would be doubted after three months"—as the *man's*, the *waiter's*—not the *woman's*, the *chambermaid's*—would be doubted if he were to identify them in a divorce case as having been seen together at Flatman's Hotel. Brierley's not mentioning

the chambermaid suggests that he did not sleep at Flatman's Hotel, or he would have thought of her remembering them, instead of the man's (the waiter's) memory.

And then he goes on—

"I cannot trust myself at present to write about my feelings on this unhappy business."

This "unhappy business!!" But he holds out some hopes to her that he is not going to desert her! He assures her he has got some "feelings" left!! and—

"I *do* hope that some time hence I shall be able to show you that I do not deserve the strictures contained in your two last letters."

What were these strictures? Were they the reproaches of a woman who had given her heart to a man's importunities at a moment of weakness, and found herself betrayed and deserted? What were these strictures?

"I went to the D. and D., and of course, heard some tales; but myself, of course, knew nothing about anything."

He had been somewhere where some remarks had been made about this woman, but he had kept himself out of it, and let the remarks pass. He warns her of this. Where is this *D. and D.* to which, or to whom, he went?

And then he finishes up this cold-blooded letter of desertion thus—

"And now, dear, good-bye, hoping we shall meet in the autumn."

He does not promise to see her any more, but hopes they may meet six months hence, and then—

"I will write to you about sending letters just before I go. Don't write to me any more till I am off, and *just before I go* I will let you know about sending letters."

And then he finishes up with some initials, written in a way to disguise his name!

Now, is there a man in England who could be under any doubt whatever about that letter?

It is, line by line, and word by word, the letter of a consummate scoundrel who, having got a woman into a scrape, is afraid of meeting the consequences himself—and is afraid to openly throw her over—but seeks to desert her by gaining time!

Is there a woman in England who would be deceived by such a letter, and think that the man who wrote that letter really loved her, or wanted to do anything but desert her, and forget all about her, or that there would be the slightest chance of his ever marrying her if she were free?

Brierley Incident.

Brierley's *letter of desertion*, free from all such excitement. It is a shocking letter for any woman to write when attending the deathbed of her husband.

It is such a letter as no woman *could* have written except under the most acute feeling of a dread of finding herself left *deserted* in the world.

[NOTE.—*The Baroness de Roque writes me that she asked Mrs. Maybrick, when in Walton Jail, how she could have written such a letter to Brierley, and that Mrs. Maybrick replied—*

"He had been kind to me."

"Mamma, he had been kind to me."

I will venture to think that there are some of my readers to whom that simple explanation will be enough, and that with all my readers it will have some weight.—A. W. McD.]

Alice Yapp alleged that she intercepted this pencil letter on Wednesday afternoon, *at three o'clock*—that Mrs. Maybrick sent her to the post with it—that it fell in the mud, and that she opened it, and her eye having caught the words, "My darling," she intercepted it, and—

'My darling."

"I intended to tell Mrs. Maybrick, but I hadn't an opportunity."

Well, I do not know what my readers believe, but I do not believe that the reason for Alice Yapp opening that letter was because the envelope had fallen in the mud and was dirty, or if she did really intercept that letter on that day that she had the slightest intention of telling Mrs. Maybrick about it. I do not believe one single word of all this. Early that morning Alice Yapp had made some communication to Mrs. Briggs and Mrs. Hughes, which had implanted in their minds a suspicion that Mrs. Maybrick was poisoning her husband. What the statements were which Alice Yapp made to Mrs. Briggs and Mrs. Hughes did not transpire, though why they did not transpire at the Coroner's Inquest, at all events, is absolutely unintelligible. That they were statements of the greatest import in an inquiry touching the death of James Maybrick there can be no doubt whatever.

Alice Yapp.

[NOTE.—*The only information which has transpired as to the nature of these statements, which have been disclosed, is as follows:—*

While Mrs. Maybrick was lying under sentence of death, the interviewer of the "Liverpool Daily Post," 14th of August, questioned Mrs. Briggs about it.

"May I ask when you were first called in to Battlecrease House?"

"On Tuesday, May 7th, I received a telegram from Mr. Michael Maybrick, informing me that his brother was ill, and requesting me to go and see him.

Brierley Incident.

On the following morning my sister, Mrs. Hughes, and myself went to his residence. Nurse Yapp beckoned to us across the lawn, and said to me: 'Thank God, Mrs. Briggs, you have come, for the mistress is poisoning the master. For goodness sake go and see him for yourselves.' Mrs. Hughes asked her what reason she had for saying this, as it was an awful accusation to make, and she then told us about the fly-papers, and how the food intended for Mr. Maybrick had been tampered with by his wife. We were so shocked by what she said that we went up at once to his bedroom. Mrs. Maybrick followed us immediately, and was apparently angry, telling us that we had no right there, but that if we would go downstairs she would let us know all about his symptoms. I explained that we had got a telegram from Mr. Michael Maybrick asking us to see his brother, and that was why we had come."

"What did you do then?"

"I said she ought to have a nurse without delay, to which she replied that there was no occasion for one, as she was nursing him herself."

And Alice Yapp, on the 20th of August, while Mrs. Maybrick was still lying under sentence of death, and while the carpenters were actually engaged in erecting the scaffold, said to the interviewer, in reference to this statement of Mrs. Briggs:—

"I never said to Mrs. Briggs, as she has stated, that the mistress was poisoning master."

Now, considering the awful moment when these two women made those statements to the interviewer, it is clear that one or other of them is a liar.—A. W. McD.]

The envelope.

The facsimile of the envelope is before my readers, and if that letter had been dropped in the mud the ink would have run where it was wetted with the mud. And I do not believe that the reason why Alice Yapp opened that letter was because the envelope had dropped in the mud; and I should be surprised if any single one of my readers believed that story. I put it to the intelligence of my readers that the mud-mark on that envelope is an imitation of a mud-mark not made by the hand of Nature, but by some man or woman. Alice Yapp was cross-examined about it by Sir Charles Russell. The only observation I shall make upon her answers is, to direct the attention of my readers *to the assistance given her by Mr. Justice Stephen.*

Q. Now, with regard to this letter, you have heard the name of your mistress coupled with the name of Brierley before you got the letter?
A. Never.
Q. Why did you open the letter?
A. Because Mrs. Maybrick wished that it should go by that post.
Q. Why did you open that letter?
No answer.
The Judge: Did anything happen to the letter?
A. Yes, it fell in the dirt, my lord.
Sir Charles Russell: Why did you open that letter?
A. I have answered you, sir.
The Judge: She said because it fell into the dirt.

Brierley Incident.

Sir Charles Russell: I think, with great deference to your lordship, she did not say so; your lordship is referring to something before.

The Judge: She has just said so now.

Sir Charles Russell: Well, I did not catch it, anyhow I want to have it out again. (To witness): Why did you open that letter?

A. I opened the letter to put it in a clean envelope.

Q. Why didn't you put it in a clean envelope without opening it?

No reply.

Q. Was it a wet day?

A. It was showery.

Q. Are you sure of that?

A. Yes.

Q. Will you undertake to say that? I ask you to consider. Was it a wet day?

No reply.

Q. Aye or no?

No reply.

Q. Was it a wet or a dry day?

No answer.

Q. Had the day before been a dry day?

A. It was showery.

Q. Will you swear that on Wednesday it was showery?

A. I cannot say positively.

Q. Was the child in a perambulator?

A. No, sir.

Q. Was the child able to walk?

A. Yes, sir.

Q. What do you say you did with the letter?

A. I gave it to Mr. Edwin Maybrick.

Q. No, no. I mean when you got it from Mrs. Maybrick?

A. I gave it to the child to post.

Q. Did you ever do that before?

A. Always, and Mrs. Maybrick always gave letters to the baby to carry to the post.

Q. I was asking what you did with it?

A. I gave it to the baby.

Q. Always did?

A. Yes.

Q. Did this incident ever happen, or anything like it, before?

A. No, sir.

Q. Let me see the letter. Have you got the envelope? Where did the child drop it?

A. Right by the post office in crossing the road.

Q. Which side?

A. Near the post office.

Q. Then you had securely passed the road and were stepping on to the kerbstone?

A. Yes.

Q. Did anyone see it but yourself?

A. I don't know.

Q. Then you picked it up?

A. Yes.

Q. And saw this mark upon it, did you?

A. Yes.

Q. Just take it in your hand. Is the direction clear enough?

A. It was very much dirtier at the time.

Q. It hasn't obscured the direction, which is plain enough?

A. No.

Q. You didn't rub the mud off. What did you do? Brierley Incident

A. I went into the post office and asked for a clean envelope to re-address it. I opened it as I was going into the post office.

Q. Did it never occur to you that you could get a clean envelope, if you were particular about cleanliness, and put it unopened into that?

A. Oh, I never thought of that.

Q. Then between the picking of it up on the post office side of the pathway and your going into the shop you had formed the design of opening it, and did, in fact, open it as you were going on?

A. Yes.

Q. If, as you suggest, this fell in the mud and was wet, there is no running of the ink on the direction. Look at it?

A. No, sir.

Q. Can you suggest how there can be any damp or wet in connection with it without causing some running of the ink?

A. I cannot.

Q. On your oath, girl, did you not manufacture that stain as an excuse for opening your mistress's letter?

A. I did not.

Q. Have you any explanation to offer about the running of the ink?

A. I have not.

Q. I put it to you again for the last time. Did you not open the letter deliberately, because you suspected your mistress?

A. No, sir, I did not.

That envelope with its smears upon it, and Alice Yapp's story about opening it because it had fallen in the mud, stand side by side, and require no comment from me, except that I do not believe that those smears were caused by the envelope *dropping in the mud*; nor do I believe that that was the reason why Alice Yapp, on the afternoon of that day (who in the morning of the same day had communicated her suspicions to Mrs. Briggs and Mrs. Hughes) opened a letter which her mistress had sent her to the post with.

We now come to the letter itself. Mrs. Maybrick has never had an opportunity of personally inspecting that letter. It is written in pencil. It is written, as every line of it shows, in a state of excitement. It is written on the first piece of paper that came to hand—a sheet of paper bearing the monogram of her mother, the Baroness de Roque. Unlike Brierley's letter, without address or date, and with disguised initials, it is written on paper which, by the monogram, makes no concealment as to where it comes from. It purports to be dated "Wednesday"; and unlike Brierley's letter to her, which was sent through John K——, Mrs. Maybrick sent her letter openly through the post by Alice Yapp. I call attention to the flourish under that word "Wednesday," and invite my readers to compare that flourish with the flourish under the signature "Florie"; and I appeal to those of my readers who are artists to share my doubt whether the same hand made that flourish under the word "Wednesday" as that under the word "Florie." Let any of my readers try to copy both those flourishes themselves. The pencil letter. The suspicious flourish.

Brierley Incident.

[NOTE.—*I have been entrusted with several letters of Mrs. Maybrick's written at different periods, years, and months, and days* before *James Maybrick's death; and, also, several written while in Walton Jail* after *his death, and the comparison of that flourish with all of the flourishes in these letters is very remarkable.—A. W. M'D.*]

Doubts of genuineness of letter.

The letter is written *with a pencil*, it must be remembered, and, face to face with that flourish, I have my "suspicions". Nay! I have my doubts about the genuineness of some parts of that letter! I do not doubt that the great bulk of it is genuine, but assuming it to have been written on Wednesday, the 8th of May, I doubt the genuineness of some parts of it. I must just recall one or two dates. Mrs. Maybrick returned from her visit to London on the 28th of March. On the 29th of March Mr. James Maybrick attended the Grand National, and among his party were Mrs. Maybrick and Brierley. From that day onward Mr. and Mrs. Maybrick were at home, and James Maybrick was regularly attending at his office in Liverpool; and Mr. Brierley, who was also a business man in Liverpool, would have daily opportunities of seeing him. It was not until a month afterwards, viz., not till the 28th of April, that James Maybrick was taken ill at all—and he was even then only absent from business for a day or two—and it was not until the 4th of May that he was taken so ill as to necessitate nursing day and night.

"Since my return."

Under such circumstances, I think it inconceivable that the words "Since my return I have been nursing him day and night" can be the genuine words which Mrs. Maybrick would have written to Brierley on the 8th of May!! He, at all events, must have known that she had not, and I do not believe that those words "since my return" are genuine.

I will take another example to show the grounds of my disbelief that this letter is genuine in all its parts if it is to be assumed that it was written *at three o'clock* in the afternoon of this Wednesday the 8th of May.

Edwin Maybrick was staying in the house, but Michael Maybrick did not arrive there until Wednesday night at 8-30 p.m. Under these circumstances I doubt the genuineness of these words if written *at three o'clock* on that Wednesday afternoon:—

"Both my brothers-in-law are here."

"Both my brothers-in-law"

These are sufficient grounds to justify my doubts as to this being the letter which Alice Yapp alleges she intercepted when sent to the post with it on Wednesday afternoon the 8th of May, at three o'clock, and my doubts whether it was written on Wednesday at all.

I must at this point call attention to the extraordinary editorial announcement of the *Liverpool Daily Post* of June the 3rd

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which I have already set out, in which a statement is made imputing to the police engaged in getting up this case, of resorting to the stratagem of forging Mrs. Maybrick's handwriting, and of which imputation there was no denial :—

Stratagem of forgery.

"That the police have resorted to an extraordinary stratagem in order to procure evidence, of a peculiar character, which they require in the case. The story goes that at their instigation a lady was employed to write a letter to a person well known in Liverpool, purporting to come from Mrs. Maybrick. It is alleged that the writing so closely resembled that of the prisoner as to have deceived the person to whom it was addressed, and to have brought a response. This remarkable proceeding, we are informed, took place immediately prior to Mr. Maybrick's death."

Now, it is surely a matter of importance in the interest of justice that the *Liverpool Daily Post* should be called upon, as the police have made no denial of it, to bring forward the person by whom they were "informed" that "the stratagem of forgery" had been introduced into this case for the purpose of getting up evidence of a "peculiar nature."

But apart from the question of whether this pencil letter was the letter which Alice Yapp intercepted on Wednesday afternoon, the 8th of May, it is a letter which could not have been written by Mrs. Maybrick (whether she thought him "sick unto death," or not) if she had any knowledge that he had taken arsenic, and that immediate death must follow.

In the first place, if Mrs. Maybrick had known that James Maybrick had been poisoned with arsenic, she would not have been likely to speak of it as a question of "how long his strength could hold out."

"The doctors held a consultation yesterday, and it all depends upon how long his strength will hold out ! "

Can any one in their senses suppose that any one who knew that a person was "sick unto death"—with arsenic—would think of any such thing as "how long his strength would hold out."

[NOTE.—*One of the features of all of Mrs. Maybrick's letters, extending back for years, which have been entrusted to me, is the constant use of notes of exclamation (!) at the end of her sentences.* —*A. W. M'D.*]

The doctors had met in consultation on the Tuesday, but they also met in consultation on Thursday and on Friday, and on this latter day at all events it was true that they considered that it all depended upon how long his strength would hold out.

I will say nothing more about the phrase, "sick unto death," than I said in my speech as chairman of the Cannon Street meeting on the 13th August, 1889 :

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Mr. Justice Stephen.

"Mr. Justice Stephen's mind was one of those minds which revolve round a single pivot, and the pivot round which his mind had revolved was the phrase, 'sick unto death.' He could see nothing else. The question of whether he was face to face with a conflict of medical evidence did not trouble him. What he kept his mind on was the phrase 'sick unto death.' (A voice: 'An American phrase.') This was the burden of his song, which he beat into the weary brains of the jury throughout his long speech of twelve and a half hours' duration, until they lost all control over their own minds. The result had been that a woman had been convicted of murder for administering arsenic when there was not a tittle of evidence to show that she had administered any. The judge saw in that phrase—"sick unto death"—a motive, and the jury found a verdict of murder on motive."

I will not add to nor subtract one word from that. Mrs. Maybrick's letter goes on to reassure Brierley as to any fear of discovery, and some words, whether genuine or not, are inserted "now or for the future," and then goes on to say, "M. —— has been delirious since," some day which has been altered, but which from the dot over the word looks more like Thursday or Friday than the word "Sunday," which it is altered to look like, to reassure Brierley that her husband is ignorant even of the name of the street, and that he has been making no inquiries whatever, that he believes what she had told him about her visit to London (the lies, if you will, that she had told him to shelter Brierley and herself).

Now, if Mrs. Maybrick knew that James Maybrick's death was absolutely sure, not merely that he was "sick unto death," or that it all depended upon how long his strength would hold out, if she knew that he had been poisoned with arsenic, on what earthly ground would she tell Brierley that he knew nothing about even the name of the street, and had been making no inquiries? What could it have mattered (if his immediate death was sure) whether he had or not found out the name of the street, or whether he had believed what she had told him or not? The very fact of her writing this to Brierley carries conviction on the face of it, that she did not know that her husband's death was assured.

She then goes on to answer his—

"Unless you wish me to stay."

"unless *you wish me to stay* in England,"

because it was dangerous for him to be where he could be identified by the *waiter* at the hotel!

She had written "my account," but she alters the word "my" into "this," she will not lower herself to this man's underlined words—

"unless *you wish me to stay*"—

and place herself under obligations to him, and she adds the word "dearest." Was there ever such a constrained introduction of the word "dearest" in any *letter of love*?

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It was a letter written under the excitement of a fear of *desertion.*

Fear of desertion.

"But in any case please don't leave England until I have seen you again."

Brierley had written to say it was dangerous to meet.

"And now, good-bye, dear. I hope we shall meet in the Autumn. I will write to you about sending letters just before I go."

And she endeavours to qualify the reproaches she had been casting on him.

Now, on what earthly grounds would she have written this to him if she had known that her husband's death was absolutely assured—that he had been poisoned with arsenic?

And she goes on—

"If you wish to write to me about anything, do so *now*, as all the letters pass through my hands at present."

If Mrs. Maybrick was absolutely assured of her husband's certain death within a few hours or days at furthest, why should she ask Brierley to write to her *now* because all letters pass through her hands *at present*. Then again she goes on—

"Excuse this scrawl, my own darling, but I dare not leave the room for a moment."

Alice Yapp said, in her evidence at the Inquest, that it was because her eye caught the words, "My own darling," when she opened the letter, which made her read it, and the Coroner was so surprised, that he put this question to her—

"Are you quite certain?"

The facsimile of this letter is before my readers, and I venture to say that those words would not strike any one of them at a first glance of this letter, or until they had looked for them. But, again, I say that the introduction of these words of endearment was evidently under the constraint of fear of *desertion.*

And then Mrs. Maybrick concludes with—

"I do not know when I shall be able to write to you again."

Now, if she knew that her husband's death was absolutely certain, on what earthly ground could she have foreseen any difficulty whatever in writing to him again?

From beginning to end of this letter (whether genuine in all its parts or not, or whether written on Wednesday, the 8th of May, or not), I say it carries proof that Mrs. Maybrick *thought* her husband "very ill, indeed," as Nurse Gore expressed it; or "in serious peril," as Mrs. Briggs expressed it; or "sick unto

death," as she herself expressed it, but that she did not *know* that death was certain, as she would have *known* if she had poisoned him with arsenic.

It is, as I have said, a shocking letter for any wife to write when she thought her husband "sick unto death"; but I put it to my readers that it is a letter written, not under the influence of *love*, but under the influence of *despair*, of dread lest she should be left deserted in the world.

The facsimile of this letter is before my readers. Mr. Justice Stephen described it as having been written—

> "at a moment when there arose in her heart, and flowed from her pen various terms of endearment to the man with whom she had behaved so disgracefully."

But, I submit to my readers, that, what arose in her heart when she wrote that letter, was not *love* at all, but *fear of being left deserted in the world—fear lest not only her husband should die, but that even Brierley was going to desert her.* It is a letter written, as every line of it shows, in great excitement, and the only thing that is cool in that letter, are those terms of endearment which appear in it, which Mr. Justice Stephen said, "flowed from her pen." They did not "flow." There is a constraint in her very use of them which is palpable beyond mistaking. They are few and far between. There is no expression of vehement love for Brierley in them. The constrained way in which they are introduced bear no sort of resemblance to those vehement expressions of love which "arise in the heart, and flow from the pen" of any woman. Any man who has ever had the happiness to receive the letters of a woman, pouring out the endearing expressions of her love—would have been alarmed lest love had become cool, if he had received a letter with the endearing expressions introduced in the way in which they are introduced by Mrs. Maybrick in this letter. Any man would have seen at a glance that they were constrained.

No love letter.

This is no love letter! Can any man who ever received a love letter imagine an outpouring of passionate love expressed in such words, for example, as these—

> "If you wish to write to me about anything, do so *now*"?

This letter needs no analyst! The handwriting is on the wall for any who run to read.

The hand that wrote that letter could not possibly have been cool enough to mix the chalice with poison.

Mr. Justice Stephen tried to analyse that letter for "Motive for Murder," and the words, "Sick unto death," fascinated him like a spell. Sickness is one of the symptoms of Arsenic. She

had used the expression, "Sick unto death," and the effect of those words upon the mind of this analyst of the intentions of others, was that he saw arsenic in the very phrase, and he spent hours in trying to reveal to the Jury what he had found in that phrase. The brain of this skilled calculator of probabilities—of this searcher into the unseen motives of the mind of a woman—was exercised in endeavouring to weave the hangman's rope out of this letter. Brierley Incident.

This letter needs no analysis. To those who will read it, it tells its own tale. It is the letter of a woman excited with the fear of *desertion*, not with the passion of *love*. This letter hurls back into the mouth of Mr. Justice Stephen, and brands them as abominable words—those sentences in his speech in which he told the Jury to read this letter as revealing the mind of a woman— Fear of desertion.

"plotting the death of her husband in order that she might be left at liberty to follow her own degrading vices."

And now I ask the question, where is there to be found in that correspondence, between Brierley and herself, anything which suggests the most remote chance that if she was free of her husband, Brierley would live with her? Mr. Justice Stephen.

What earthly influence or temptation could Brierley's letter to her hold out to her, under which she should compass her husband's death?

And now I will ask my readers to carefully and seriously consider a very serious question—a question of national importance—which arises out of the language which Mr. Justice Stephen used when addressing the Jury about this letter, language in which he lacerated this woman, for whom, until the Jury had returned their verdict he was "counsel for the accused," while she was in the dock presumably innocent, until the Jury had found her guilty of the crime laid to her charge of murder by arsenic, and I am going to put it to my readers whether they intend to allow any judge any such licence of language, and of laceration of any woman when conducting criminal trials under the shelter of the privilege of immunity granted to judges to say whatever they please when sitting in a judicial capacity? Licence of language.

I will ask my readers if there must not be some limit put to such a licence? I will ask them whether it is tolerable that the whole civilised world should be shocked by language which falls from the Bench of England?

Mr. Justice Stephen began by telling the Jury what his own knowledge of human nature was, in respect of reconciliations between a husband and wife who had had a quarrel—such as James Maybrick and his wife had on the day of the Grand National, in consequence of his jealousy about her walking on the racecourse with Brierley, and which was made up the next day.

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I know not where Mr. Justice Stephen acquired his knowledge of human nature, or whether he derived it from the beings of this or some other world, either as to such reconciliations, or as to the efficacy of a family doctor to bring about such reconciliations. I will venture to say, whatever accords with Mr. Justice Stephen's knowledge of human nature, that it will accord with the knowledge of human nature which all my readers possess themselves, that the family doctor is just the person who would be the most likely to effect a reconciliation of a quarrel of that kind between man and wife, and Dr. Hopper, according to the evidence, had attended the Maybricks (not as Mr. Justice Stephen unfairly puts it, "he had attended her on two occasions, and had attended the children") he had attended them both regularly for the whole eight years of their married life, had attended Mrs. Maybrick in her confinements, and was at that very time attending the children, and he was of all men the most likely to bring about a reconciliation in a quarrel of that kind. My readers would not be likely to seek the intervention of a lawyer. It would be the doctor they would go to. I protest against a Judge obtruding upon a Jury his knowledge of human nature in this sort of way. It is not in a lawyer's chambers, but in the sick chamber, that a knowledge of human nature is acquired. A Liverpool Common Jury may have accepted it as a true exposition of human nature, because people of that class are perhaps not on the same sort of terms with the "family doctor" as persons of the class of life of the Maybricks; and if this Jury had been in the same class of life as the Maybricks, if this had been a trial by the peers of the accused woman instead of by a Common Jury (as to which I shall make some comments at a later stage), they would have been as much astonished as, I venture to say, every one of my readers will be at Mr. Justice Stephen's treating with insolent and ignorant scorn the "family doctor" as an unlikely person to effect a reconciliation between a man and his wife. I do not say a return of estranged love, but a reconciliation, especially where there are, as in this case, young children as a reason for reconciliation. To bring about such a reconciliation is not the work of a lawyer, it is the happy privilege of the "family doctor."

Family doctor.

Dr. Hopper.

"I asked a question of Dr. Hopper to ascertain his relations with these Maybricks. He said he was just the 'family doctor.' He had attended her on two occasions, and had attended the children. It is for you to consider the nature of the complaint for which the husband treated his wife so brutally, giving her a black eye as the result of the quarrel, and not only so, but did it with the serious question of jealousy; and though the doctor had arranged for the husband to pay her debts, you must consider whether that is a reconciliation. I should have thought when things had gone on to that length that a reconciliation, a growth of affection, between these two persons must be a slight and superficial thing until after a lapse of time, and the

expression of kindness and good behaviour on both sides had brought about a perfect reconciliation. But after a desperate quarrel there simply comes the family doctor, who intervenes, and to say there is a reconciliation does not accord with my knowledge of human nature." Brierley incident.

My readers will recollect the evidence of Dr. Hopper, Mrs. Briggs, and of all the servants, that the reconciliation which Dr. Hopper effected the day after the quarrel had, in fact, been perfect, and had never afterwards been disturbed, and they will recollect the evidence as to the assiduity with which Mrs. Maybrick nursed her husband in his illness, and the desire of James Maybrick to have her always with him when he was ill.

Having dealt thus with the question of reconciliation, Mr. Justice Stephen told the Jury:— Mr. Justice Stephen.

"The letter begins 'Dearest.' That shows they were therefore on affectionate terms—and the day on which it was written was the day on which it was discovered, Wednesday, the 8th of May—at that time you will recollect—that was the day on which Nurse Gore came in charge. It was the day on which certainly Mr. Maybrick was very ill, and on which she afterwards declared that she was suffering under the greatest feelings of degradation, because her place was taken from her by her relations; yet on that day she unhappily writes this letter—which I have read at various times with feelings which I shall not describe."

These words can only be taken to mean that it was after Mrs. Maybrick had been exposed, by Michael and Edwin, to the degradation of being deposed from her proper position in her own house. But that is a misrepresentation of the evidence, which was that Alice Yapp intercepted that letter at 3-30 p.m., on Wednesday afternoon, and it was not until long after that, not until Edwin and Michael came up to the house in the evening, that anybody had deposed her from her position in her own house!

Mr. Justice Stephen spoke of the discovery of this letter of Mrs. Maybrick's thus—

"I have already brought to your attention the dreadful state of distress, alarm, and confusion of every kind which existed in that house owing to the discovery of that dreadful letter—I call it so advisedly, and which must have thrown all the persons into disorder."

Now, the evidence throughout the whole case makes it absolutely clear that out of all the persons about that house there were only three who knew anything whatever about the discovery of any letter until after the death of James Maybrick, and those three were—

Alice Yapp, who said she intercepted it at 3-30 p.m. on Wednesday, the 8th of May; Letter only known to three persons.

Edwin Maybrick, who said Alice Yapp handed it to him at 5-30 p.m. on the same day; and

Michael Maybrick, who said Edwin gave it to him at 8-40 p.m. on the same day.

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These three people kept it secret in a most mysterious way among themselves that any such letter had been discovered.

James Maybrick did not know of its discovery, nor did
Mrs. Maybrick, nor
The doctors, nor
The professional nurses, nor
Mrs. Briggs, nor
The servants,

until it was read at the Inquest, on the 28th of May, seventeen days after death! There is not even any evidence as to when the police were first informed of it, and I want to see "the particulars taken" by them.

The discovery of that letter most emphatically was not the cause of "the dreadful state of distress, alarm, and confusion." The discovery of that letter did not throw all these people into disorder, and it was an absolute misrepresentation of the evidence for Mr. Justice Stephen to say it was. It was the extraordinary conduct of Alice Yapp, suggesting suspicions of poisoning with fly-papers to Mrs. Briggs and Edwin Maybrick on that Wednesday morning, and the extraordinary conduct of Michael, when he arrived at the house on that Wednesday night, and usurped control there, and gave instructions to the professional nurses to prevent Mrs. Maybrick from attending on her husband, which caused that dreadful state of distress, alarm, confusion, and disorder. If the discovery of that letter had been known among all these people it would have caused confusion, because it would have come upon them like a "bolt from the blue," for there was not a single person in that household who had the slightest suspicion that Mrs. Maybrick was other than a faithful wife who, during the eight years of her married life, had lived happily with her husband, and during which there had only been one quarrel—the quarrel on the day of the Grand National—which had been made up the next day, and of the reconciliation of which there was no breach. The discovery of such a letter would have fallen like a "bolt from the blue" on that household, if it had been known!—would have thrown all the persons in that house into disorder! But it was not known! and if that is really the letter which Alice Yapp intercepted on Wednesday afternoon, the 8th, the only persons who knew anything whatever about it were Alice Yapp, Edwin Maybrick, and Michael Maybrick, and they kept it a mysterious secret to themselves! Mr. Justice Stephen represented the questions of reconciliation, and of the effect of the discovery of this letter in the language I have quoted, and the following are passages from his speech concerning that letter itself—

Mr. Justice Stephen.

"What can you infer from that letter except that she wished this man Brierley to believe that her husband was very ill and likely to die. It is all a

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question how long his strength will hold out, and he will soon die. Now you have the matter put plainly. What does it show to you? But it may be—I am only saying it is possible—a thought which gives a dreadful satisfaction if the woman really hopes and wishes that her husband should die. And if she tells a man with whom she has lately committed adultery in the manner described, then is it not a very strong and cogent reason for thinking that she might be free to live with the man to whom she made the greatest sacrifice that a woman can possibly make, that she may be rid of her husband, for whom she entertained little affection? Gentlemen, I am on the question of motive, and I point out to you a motive which I feel it my duty not to overlook—I cannot. It is a sad and terrible case."

"Look back for a moment, when you speak of it now, on the scenes which took place before—a blow, a black eye, a half leaving the house, readiness to leave the house, consultation with Dr. Hopper, and then a complete reconciliation for the sake of the children? Do you believe that people change in that sort of way? Do you think that a quarrel of that sort can be made up by the family doctor, who is not very intimate with them, that the saying, 'Oh, you had better make it up, kiss and be friends,' would settle it? You must act on your own experience. And do you think that if such a reconciliation had been sincere, and there had really been a putting away of strife, after that she would have made an assignation with the lover, of whom he had apparently been jealous, when he saw her with him—for I should be apt to assume that it was with him—after going up to London and living with him in the commission of adultery for two days? You are to be judges in this matter, but this terrible consideration—which it is impossible—from which it is impossible, and from which it would be a terrible dereliction of duty to avert your minds. You must fully consider before you give your final answer. Now, so much as to motive in such a case as this; she had an awful temptation, and I have pointed out to you such evidence as there was, that she may have given way to it."

Mr. Addison rose and interrupted Mr. Justice Stephen, and to the credit of the Bar be it told, said:— Mr. Addison, Q.C.

"May I point out to you, my Lord, in favour of the prisoner, that the Grand National was on the 29th of March, and the reconciliation took place on the 30th—the week after she was in London."

The Judge: You are quite right.

Mr. Addison: The only assignation after that is the letter in which she says she would like to see him.

The Judge: You are quite right. I have made a mistake, and I am sorry I have done so in a case of this importance. But although I have certainly made a mistake with regard to what took place after the meeting in London, and no doubt it is true that it deprives my remarks of part of their weight, yet I do not think it deprives them of all weight in this way.

Then Mr. Justice Stephen went on:— Mr. Justice Stephen.

Then you have to consider, you have to take into account—if you go through the whole story—the question of motives which might act upon this woman's mind. When you come to consider that, you must remember the intrigue which she carried on with this man Brierley, and the feelings—it seems horrible to comparatively innocent people—a horrible and incredible thought, that a woman should be plotting the death of her husband in order that she might be left at liberty to follow her own degraded vices."

Mr. Justice Stephen is right. It is a horrible and it is an incredible thought, and I am thankful to say that my mind is incapable of nursing it—no evenly-balanced mind could nurse it.

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Again Mr. Justice Stephen launches out:—

"There is no doubt that the propensities which lead persons to vices of that kind do kill all the more tender, all the more manly, or all the more womanly feelings of the human mind. That is a comment upon which I will not insist. I will spare you what would be very painful to me, exquisitely painful to her, and not necessary to you. I will not say anything about it except that it is easy enough to conceive how a horrible woman, in so terrible a position, might be assailed by some fearful and terrible temptation. When you take that into account you must look to some extent at the feelings which are shown, which the evidence shows remained in her mind. I have read to you what the learned counsel have both read to you, that terrible letter which she wrote on the 8th of May. Gentlemen, it is a matter to which again I will, as I have endeavoured to do at every stage of this inquiry, suppress the feelings upon it which one is at any moment tempted to enlarge. But recollect what is said, recollect, that in two or three unmistakable expressions she has intimated that it is a mere question of strength. She has intimated that he is 'sick unto death,' and untruly stated so. Recollect that she said he was labouring under symptoms which in point of fact were not present. Recollect that you have a somewhat difficult task—recollect, on the one hand, that it is very difficult to say that she did not know she was the subject of suspicion among those who were in the house, her brother-in-law and other persons; and recollect, on the other hand, that she, while her husband lived, and according to her own account, when his life was trembling in the balance, even at that awful moment there arose in her heart and flowed from her pen various terms of endearment to the man with whom she had behaved so disgracefully. That was an awful thing to think of, and a thing you will have to consider in asking yourselves whether she is guilty or not guilty."

I will not, I cannot accept such a doctrine. I do not believe, for example, that the most degraded women on our streets have any propensities which kill all the more tender, all the more womanly feelings of the human mind. I even doubt whether any of the tender or womanly feelings are killed in them. I am not sure that they would not be as tender and as womanly at the sick bed of another as any of those among their virtuous sisters who cast eyes of scorn upon them.

Such language is dreadful language! It is terrible language! And is it possible that any sane man could use it? And is it possible that we can permit any judge presiding at a criminal trial to overwhelm and constrain the minds of a jury by such language as this? How can a jury form calm judgment when excited in such a way by a judge?

The Jury.

The Liverpool Common Jury, after hearing an oration of 12½ hours, interspersed with language of this kind, found Mrs. Maybrick guilty of Murder by Arsenic in 38 minutes! And but for the indignation which was felt and expressed from one end of England to the other, and throughout the whole civilised world, this woman would have been hanged. An awful catastrophe has been averted by the intervention of the public. It is the duty of every man in this country to vigilantly watch and jealously enforce the proper administration of justice in this country, and to

scrutinise and criticise everything which passes in our courts. It is for the purpose of enabling the public to perform this duty, of seeing that our judges and juries do administer justice, that our courts are open. It is for this purpose that the Parliament of this country has granted the immunity of privilege to the press, when reporting the proceedings in our courts. It is a duty none of us can properly evade or neglect. It is a duty which is too often neglected, and if Mr. Justice Stephen's speech to the Liverpool Common Jury calls the public to a sense of this duty, it will have done a great good. It will have opened their eyes to the danger of listening to hysterical people who think the dignity of our judges is in such a precarious condition that the criticism of a judge's conduct on a criminal trial would shake the foundations of society.

Brierley Incident.

The dignity of our judges does not stand upon any such slender foundations. Let me quote what two of our greatest modern judges have said about it.

Criticism of judicial utterances.

Mr. Justice Archibald has said—

"The proceedings in Courts of Justice are the property of the people."

Lord-Chancellor Cairns—

"All judicial utterances are open to public criticism, however sharp. It is for the public to judge whether the criticism is well founded, or is decorous."

And in performance of this duty, which falls upon every one of my readers, I put the question to them each individually—

Do you intend to allow, at a criminal trial, the functions of a jury to be interfered with, and their minds constrained by such language as Mr. Justice Stephen addressed to the Liverpool Common Jury at the trial of Mrs. Maybrick, on a charge of Murder by Arsenic?

If the evidence produced by the Crown had shown conclusively (which I submit to my readers that it did not) that Mrs. Maybrick had committed adultery in March, it would have been the duty of Mr. Justice Stephen, when presiding at a Trial for Murder in May, to have pointed out to the Jury as the law of evidence, that the fact of Mrs. Maybrick having been proved to have been an unfaithful wife had deprived her of an argument as to character, to which a true and faithful wife is always entitled, but it would also have been Mr. Justice Stephen's duty to have pointed out to the Jury as the law of evidence, that, though Mrs. Maybrick, by her conduct with Brierley, had deprived herself of the benefit of the argument as to character, to which, but for that, she was entled—the fact that she had thus deprived herself of that argument *in her favour*—would not justify the Jury in using the fact of her unfaithfulness as an argument *against her* on a trial where,

Brierley Incident.

not unfaithfulness, but murder, was laid to her charge; and Mr. Justice Stephen should have told the Jury that it was quite enough to deprive any person accused of crime of any argument *in her favour* without going further.

The Jury.

THE JURY.

After listening for 12½ hours to the impassioned oratory of Mr. Justice Stephen, the Jury passed their verdict in 38 minutes on the three issues before them—

1—Did James Maybrick die of arsenic?

2—Was the arsenic of which he died administered by Mrs. Maybrick?

3—If so, did Mrs. Maybrick administer it feloniously?

As to the law, which was to guide them in arriving at their verdict on those three questions of fact, Mr. Justice Stephen told them—

> "It is a necessary step—it is essential to this charge that the man died of poison, and the poison suggested is arsenic. This question you have to consider, and it must be the foundation of a judgment unfavourable to the prisoner that he died of arsenic."

There are, however, two other essentials. There is the *essential* that the arsenic of which he died was administered by Mrs. Maybrick, and there is also the *essential* that she administered it feloniously; and Mr. Justice Stephen ought to have told the Jury distinctly that if there was any reasonable doubt upon *any one of those three essentials*, the Jury ought not to find a verdict unfavourable to the prisoner. I have searched in vain for any passage throughout that long speech of 12½ hours, in which Mr. Justice Stephen clearly and distinctly laid it down as law for the Jury either that it was essential that the evidence should leave no reasonable doubt that she did administer arsenic, or that it was essential that the evidence should leave no reasonable doubt that if she did she had done it feloniously. I can find no passage, at all events, which I can select and quote which makes this distinction in a similarly definite form to that of the first essential—the cause of death. I can quote any number of passages about adultery as a motive for murder, and about Mr. Justice Stephen's knowledge of human nature as to what operates in the minds of women when they fall from the path of virtue! or as to what operates in the minds of scientific witnesses when they give their evidence in a trial for murder! and so on, but I can quote no distinct and clear passage directing the attention of the Jury to these two essentials —actual administration of arsenic by Mrs. Maybrick, or felonious intent in such act of administration.

After listening to 12½ hours of Mr. Justice Stephen's oratory, the Jury, *in 38 minutes, found a verdict of Guilty*, and Mr. Justice Stephen, having then assumed his judicial function in that Court, delivered the judgment of the Court, and pronounced

SENTENCE OF DEATH!

and in doing so, addressed Mrs. Maybrick thus:—

"Prisoner at the bar, I am no longer able to treat you as innocent of the dreadful crime laid to your charge. You have been convicted by a jury of this city."

Mrs. Maybrick had not been convicted by a Jury of the city of Liverpool! There was not a single man upon that Jury who was an inhabitant of the city of Liverpool!

The following is a list of the Jury who found Mrs. Maybrick guilty of the crime laid to her charge, of—

"having at Garston on the 11th of May, 1889, feloniously, wilfully, and of her malice aforethought killed and murdered one James Maybrick by the administration to him of poison,"

and to which charge Mrs Maybrick had pleaded Not Guilty.

The verdict is the verdict of the following Jurymen, with their addresses and avocations. They most certainly were not a Jury of the inhabitants of the city of Liverpool!—

THOMAS WAINWRIGHT, plumber, 32, Neville Street, Southport (foreman).
T. BALL, plumber, Ormskirk.
A. HARRISON, woodturner, Bootle.
W. WALMSLEY, provision dealer, North Meols.
W. H. GASKELL, plumber, North Meols.
J. TAYLOR, farmer, Melling.
G. H. WELSBY, grocer, St. Helen's.
R. G. BROOK, ironmonger, St. Helen's.
J. W. SUTTON, milliner, North Meols.
J. TYRER, painter, Wigan.
J. BRYERS, farmer, Scarth Hill, Bickerstaffe.
J. THIERENS, baker, Ormskirk.

There is one amongst those jurymen to whom the observations Mr. Justice Stephen made as to his knowledge of human nature must have been intensely interesting. Mr. Justice Stephen told the Jury that it accorded with his knowledge of human nature that, in a case where the relations of husband and wife were such that "the husband treated the wife so brutally, giving her a black eye as the result of the quarrel," any reconciliation which the family doctor might effect was not likely to be real, and that the wife might retain murderous instincts. One of those jurymen had

The Jury.

so "brutally treated" his own wife some little time before that the magistrates had effected "a reconciliation" by ordering him to pay his wife a certain sum of money every week to enable her to live separately; and such a warning as Mr. Justice Stephen's knowledge of human nature, in matters of reconciliation between husband and wife, in cases where husbands treat their wives brutally, would suggest to that man, in the interest of self protection, that he should make an example of a wife who had been "brutally treated" by a husband.

But without encumbering the argument by raising such questions as whether such a man ought to have been empanelled on any jury? or as to who should be made responsible for selecting such a man as a juryman? or whether Mr. Justice Stephen's knowledge of human nature is an intelligible knowledge? or whether it ought to have been promulgated on the occasion of summing-up to a jury on a trial for murder? that list of jurymen offers an occasion for those who are availing themselves of the opportunity afforded by this Maybrick Trial for considering criminal proceedings in this country to see whether trial by jury is, as at present conducted, a reality in this country—whether, in fact, trial by judge and counsel has not been substituted for trial by jury.

THE PRINCIPLE OF OUR CONSTITUTION IS THAT THE PEOPLE SHALL MAKE THE LAWS, AND THAT THE CROWN SHALL ADMINISTER THEM.

The contract between the Crown and the people, in all matters affecting the Life and Liberty of the subject, is expressed thus in the quaint language of the 29th article of Magna Charta—

"Nullus liber homo capiatur, vel imprisonetur vel dissesietur de libero tenemento suo, vel libertatibus, vel liberis consuetudinibus suis, aut utlagetur aut exuletur, aut aliquo modo destruatur, nec super eum ibimus nec super eum mittemus, nisi per legale judicium parium suorum vel per legem terræ. Nulli vendemus nulli negabimus aut differemus justitiam vel rectum."

The accepted translation of which is—

"No freeman shall be seized, or imprisoned, or dispossessed, or outlawed, or banished, or in any way destroyed, nor will we [the Crown] sit in judgment or pronounce sentence upon anyone except by the judgment of his own peers [or equals] or by the law of the land. We will sell to no man, we will not deny or defer to any man justice or right."

At a criminal trial the People are represented by the Jury, and the Crown by the Judge.

Until the Jury—the peers, or equals—of an accused person have returned their verdict, the Crown, as represented by the Judge, is present only to administer the laws the People have made in their Parliament, and to be ready when the Jury have

arrived at their judgment concerning the Facts, to pass the Sentence which the People in their Laws have awarded as the punishment for the crime laid to the charge of the accused person.

Until the Trial by Jury—this trial of an accused person, by his peers or equals, is concluded by the Jury declaring their verdict—the Judge is present in the capacity of counsel for the accused.

I will now put it to my readers—Was this Maybrick Trial a real Trial by Jury?

Let me quote to them the eloquent words of Hallam, in his "Constitutional History," when referring to Trial by Jury:—

> "That primæval institution—those inquests of twelve true men, the unadulterated voice of the people, responsible alone to God and their conscience, which should have been heard in the sanctuaries of justice as fountains springing fresh from the lap of earth—became like waters constrained in their course by Art, stagnant and impure."

Let me ask my readers whether the Jury in this Maybrick case were, or were not, constrained by the art of the eloquence of Mr. Justice Stephen?

I will quote one more of the eloquent passages which occur in Hallam:—

> "One undeniable privilege has survived the shocks of every revolution, and in the worst times has become the standing record of primæval liberty—Trial by Jury."

I quote this passage because an insidious attempt is now being made to substitute a Court of Criminal Appeal—a Court of Judges—to be the ultimate appeal of an accused person in matters pertaining to Life and Liberty, for Trial by Jury, which has, of late years, fallen into disrepute.

This is an insidious and dangerous attack upon the fundamental principle of Trial by Jury, "which has stood the shock of all revolutions." It is an attempt on the part of the Crown to usurp, through the judges, that sole and ultimate authority of judging in all matters pertaining to Life and Liberty, which belongs exclusively to the People.

Looking at that list of the jurymen who tried the Maybrick case, can any of my readers say that trial was a trial by jury?

Can they say that it was a trial of Mrs. Maybrick by her peers or equals? Are there any two classes (in any case, the question of motive arises) who know less about each other's habits of life than such a class as those who, like plumbers, pass a real life of work in country places, and that of cotton brokers and merchants in a city like Liverpool, who pass their lives amidst champagne dinners and every other sham excitement, and who live on appearances rather than work?

Take for example this very Maybrick household. Here we see, from the will of James Maybrick, that while he was exposing his

The Jury.

young wife to all the temptations which a life of such sham excitement involves, in order to keep up appearances in a large house with four in-door servants, a gardener, and his saddle horse, and so, forth when he dies, after selling up even his furniture, with which he kept up those appearances, everything he dies possessed of is proved at £3,770 16s. 6¾d.! What in common is there or can there be between the life of the cotton merchant of Liverpool, and the plumbers, and others of the class which formed this jury? How, for example, could either understand questions of quarrel and reconciliation in such a different class of life? How can we call them "peers or equals"?

Can any of my readers, looking at that list of jurymen, say that where such a difficult question of science was essential (as Mr. Justice Stephen told the Jury it was essential, viz., whether the cause of death was arsenic), say that this Jury were competent, or ought to have been called upon to decide such a conundrum, to decide whether the cause of the death of James Maybrick, in whose body only one-tenth of a grain of arsenic had been found (itself utterly insufficient to cause death), was arsenic, as to which even medical men of the highest standing in this country held diametrically opposite opinions—

For Arsenic.	Against Arsenic.
Dr. Carter.	Dr. Paul.
Dr. Humphreys.	Dr. Tidy.
Dr. Stevenson.	Dr. Macnamara.
	Dr. Barron.

Or again, can any of my readers say, after reading Mr. Justice Stephen's summing up to the Jury, that the verdict of the Jury in the Maybrick case was a verdict of the Jury at all?

If my readers are not able to answer such questions as these—if Trials by Jury have fallen of late years into disrepute—is it not that Trials by Jury have ceased to be real Trials by Jury, and have become Trials by Judge? Is it not that the people in this country have in their apathy handed over questions pertaining to Life and Liberty to the Crown in the persons of our Judges? Before we make a further surrender to the Crown of our "fundamental privilege," by creating a Court of Criminal Appeal—before we offer an inducement to our Juries to be careless in finding their verdicts in matters pertaining to Life and Liberty, by telling them that if they neglect their duties—their responsibilities "to God and their consciences alone"—a court of Judges will set their verdict right, before we make this surrender, ought we not rather to see that Trial by Jury is properly conducted? that a Trial by Jury is a Trial by the peers or equals of the accused person, and that the Jury in coming to their verdicts are unconstrained by any arts—oratorical or otherwise?

Before we strike away the very foundation-stone of Trial by Jury, by taking away from a jury the ultimate decision in matters touching Life and Liberty by creating a Court of Criminal Appeal, and leaving such questions to be ultimately decided by a Court of Judges who represent the Crown—had we not better see whether the Jury system, as at present conducted, is a real Trial by Jury? and if miscarriages of justice are frequent under it, are they not due to some fault in working the system rather than the system itself? That miscarriages of justice do occur, and constantly occur, there can be no doubt. Take for example the evidence of Mr. Wilde, before the Criminal Law Commissioners (Report VIII., p. 29):—

"Within the space of nine months during which I was one of the Sheriffs of London, no fewer than six persons, who had been capitally convicted at the Old Bailey and left for execution, were saved from death in consequence of investigations showing that they had been improperly convicted."

Take as another example the following extract from the summing up of Lord Chief Justice Cockburn in the Tichborne case:

"I recollect a case on the Western Circuit, in which two men were tried for murder and both convicted—one on his identity being sworn to by numerous persons. If execution had followed as rapidly then, as it was accustomed to do in earlier times, he would have been executed. But it was proved afterwards, beyond all possibility of doubt, that those who had sworn to his identity were mistaken. He had committed an offence of picking a pocket hundreds of miles away, and when the murder had been committed he was in confinement at the time under that charge. There was not the slightest doubt in the world about it, and the man was released. I tried a case myself not long ago at Hereford, where a man was charged with night poaching and with a most serious assault upon the keeper, who had been most foully used. The keeper swore positively to the prisoner. He was a respectable man, head keeper to a nobleman in the county; nobody could doubt his veracity or intention to tell the truth. He swore to the man most positively. *I had not myself the slightest doubt* of his testimony. The Jury convicted the prisoner. *It turned out afterwards that we were all wrong*, for it was proved satisfactorily that he had been taken for another man."

The whole history of criminal trials, in fact, teems with examples of mistakes, made both by judges and juries about the guilt of accused persons, and I could fill a volume with them. I will, however, quote only one more. It is that of a case referred to by Lord Chief Baron Sir Fitzroy Kelly in a speech in the House of Commons (Hansard, 30th May, 1884). I quote this, because the Judge "summed up against the accused" as Mr. Justice Stephen did in the Maybrick case:

"About nine years ago a man named Chandler was indicted, along with another person, for the murder of a gamekeeper of Miss Lloyd, at Hendlesham Hall, near Ipswich. The trial came on before a learned and eminent judge, now no more. Evidence was given that Chandler was in the neighbourhood of the wood at the same time that the deceased was there; there was some evidence of his having been detected poaching, of there being blood upon his clothes, of his having been seen near the spot where the murder

Closing scene of the Trial.

Whereupon, to quote the description of the *Liverpool Mercury* of the effect of this verdict upon those who were present in court—

"A prolonged 'Ah!' strangely like the sighing of the wind through the leafy forest, sounded through the Court, and Mrs. Maybrick, still seated, suddenly started as if struck by a dagger, and buried her head in her hands, while her frame quivered."

The Clerk of Arraigns then addressing the prisoner, said—

"Florence Elizabeth Maybrick, you have been found Guilty of Wilful Murder—have you anything to say why the Court should not pronounce sentence upon you according to law?"

Mrs. Maybrick, to again quote the *Liverpool Mercury*, rose and, clasping the rail of the dock in front of her, said, in a low voice, but with comparative firmness—

"My Lord, everything has been against me. I wish to say that, although evidence has been given as to a great many circumstances in connection with Mr. Brierley, much has been withheld which might have influenced the jury had it been told.

"I AM NOT GUILTY OF THIS CRIME."

My readers have the evidence before them. They are not called upon to find a verdict in 38 minutes! Nor are they under the influence of days of oratory by Sir Charles Russell, Mr. Addison, Q.C., and Mr. Justice Stephen. They can calmly and deliberately, and free from all constraint, answer to themselves this question: Is there, on that evidence, a single one of my readers who (for I will not insult their intelligence by asking any reasonable doubt of guilt) have any reasonable doubt of innocence?

The last words which the law permits Mrs. Maybrick to address to us all are those which I have just quoted.

She had been for days "a silent spectator of an interesting game played out by Counsel with her life for stakes!"

She saw, as all the world saw, and sees, that she had been found Guilty of Murder because she had committed Adultery!

She saw more! She saw that the game had been clumsily played by her Counsel on this question of Adultery! and her last words—spoken as they were in the most supreme moment of her life—upon finding that she had been found Guilty of Murder because she had committed Adultery, were—

"I wish to say that although evidence has been given as to a great many circumstances in connection with Mr. Brierley, much has been withheld which might have influenced the jury had it been told."

Where is this man Brierley?—this man who, having betrayed his friend, James Maybrick, deserted his widow at the foot of the Gallows?

Was he present in Court? Did he hear that woman utter those words?

Was it too "painful" to his feelings to be there by the side of his victim?

Mr. Justice Stephen told the Jury, in his summing-up, that it would be—

"very painful to have him here!"

I must quote what Mr. Justice Stephen said in that summing-up, because they are the only words he had to say about Mr. Brierley. He did not lacerate Brierley! He did not denounce him by saying to, or of him, as he said of that woman in the dock—

"There is no doubt that the propensities which lead persons to vices of that kind do kill all the more tender, all the more manly, all the more womanly feelings of the human mind."

Such language is "terrible" language, is "dreadful" language, and it applies to no human beings on this earth. We are not surrounded in our daily walks of life by such dangerous people. What world it is which is peopled by such beings I know not, but it is not to such as fall from the path of virtue in England to whom such language is in any way applicable. I doubt much whether the most abandoned woman in our streets—and there is a significance in that very word "abandoned" which might produce the result—of whom it could be said that she had lost "all the more tender, all the more womanly feelings of the human mind," and I do not complain of Mr. Justice Stephen that he did not lacerate Brierley with that language—he had no right to lacerate any one with it—but I want to point out that all he had to say about Brierley was—

"It is a very painful thing to have him here."

In the course of his summing up, Mr. Justice Stephen had to refer to that letter of Brierley's to Mrs. Maybrick—that cold letter of desertion [see facsimile], that letter without address, date, or signature to which I have referred under the heading "The Brierley Incident," and the thought appears to have struck Mr. Justice Stephen that the handwriting even had not been identified.

"Then comes this letter, but I am not quite sure whether it was proved to be in Brierley's handwriting. It is signed, 'A. B.' Can you tell me, Mr. Addison, about this letter? It commences, 'My dear Florie.'

Mr. Addison: *Yes, my lord.*

His Lordship: *Do you know* Mr. Brierley's handwriting?

Mr. Pickford: The handwriting is not proved; that is my recollection.

His Lordship: Well, is there a witness in Court who is acquainted with Brierley's handwriting? Is Brierley here?

Mr. Addison: Yes, he was subpœnaed by the prosecution.

His Lordship: *It is a very painful thing to have him here.*

Closing scene of the Trial.

Where is this man Brierley? A year has now elapsed since Mrs. Maybrick made that appeal to him?

"Although evidence has been given as to a great many circumstances in connection with Mr. Brierley, much has been withheld which might have influenced the jury, had it been told."

Mrs. Maybrick's legal advisers had "played out the game with her life for stakes," and these were her own words. They are words of reproach. They are words of complaint that her legal advisers had withheld much which might have influenced the Jury. Why, I ask, when the Clerk addressed those words to her—

"Have you anything to say why the Court should not pronounce sentence upon you according to law?"

that sentence, according to law, being DEATH, why, I ask, when she said that anything had been kept back which might have influenced the Jury, did not Mr. Justice Stephen, who, at that moment, and for the first time during the proceedings assumed his judicial functions—demand from her what it was which had been withheld, in order that he, when passing "sentence according to law," could communicate those circumstances to our Queen, for the consideration of her Minister, under whose advice she exercises the prerogative of mercy vested in the Crown, in order that she may fulfil her contract with the People to "execute justice with mercy." Is the question asked by the Clerk of Arraigns a mere mockery of law? or is it a solemn question, and one to be solemnly regarded?

Or was it because—

"It would be very painful to have Mr. Brierley here."

Or again, was it that Mr. Justice Stephen was, like every other person in that Court, dazed at the verdict? Was his own voice one of those which uttered that prolonged "Ah!" which sounded strangely like the sighing of the wind through a leafy forest, which was heard throughout that Court?

Whatever the reason was, Mr. Justice Stephen passed over that answer of Mrs. Maybrick to that question addressed to her by the Clerk of Arraigns, and having assumed the full dress of a criminal judge, the black cap, pronounced the sentence of the Court in these words:—

"Prisoner at the bar, I am no longer able to treat you as being innocent of the dreadful crime laid to your charge. You have been convicted by a Jury of this city after a lengthy and most painful investigation, followed by a Defence which was in every respect worthy of the man. *The Jury have convicted you, and the law leaves me no discretion, and I must pass the sentence of the law.* And the sentence is this:—This Court doth order you to be taken from hence to the place whence you came, and from thence to the place of

execution, and that you be there hanged by the neck until you are dead, and that your body be afterwards buried within the precincts of the prison in which you shall be confined after your conviction; and may the Lord have mercy on your soul."

Not one word of approval of the Verdict did Mr. Justice Stephen utter. Not one word to express to the Jury his satisfaction that they had done their duty.

"*The Jury have convicted you*, and the law leaves me no discretion, and I must pass the sentence of the law."

But as to Mrs. Maybrick's answer to the question, whether she had anything to say why the sentence of the law should not be passed, when she said that evidence as to Mr. Brierley had been withheld, all he had to say to that was, that—

"The defence was in every respect worthy of the man."

Was Mr. Justice Stephen's mind at that moment dazed with the Verdict? At that moment did a transient gleam reveal itself to his mind that this Verdict of Murder was a Verdict not on Evidence but on Oratory?

At that moment did that gleam reveal itself to the minds of those who were in Court, when that happened, which happily has never in our time happened before, that angry hisses at that Verdict were heard in that Court, and when all was over, when Mrs. Maybrick was taken from that Court to Walton Gaol, there to be confined under this sentence of law, the mob (as a Liverpool public are styled by their representatives, the Press) who, before they had heard or read a word of the evidence of the defence but had read the oratory of Mr. Justice Stephen's charge to the Grand Jury, had hissed her when she entered that Court, that—

"Temple, where Justice with Mercy for her handmaid sits enthroned on the noblest of her altars,"

now *that they had heard and had read the evidence*, cheered her as she was driven in the prison van from that Court, and hissed and hooted the Judge, notwithstanding that he had said, when pronouncing the "sentence of the Court, according to law"—

"Prisoner at the bar, I am *no longer* able to treat you *as innocent* of the crime laid to your charge. You have been convicted by *a Jury of this city. The Jury* have convicted you, and the law leaves me no discretion, and I must pass the sentence of the law."

It is an old saying and a wise saying, and one which has been uttered by all the wise men of all times and of all countries, in one form of words or another, that—

"The people are often wrong in their reasons, but never in their instincts."

Closing scene of the Trial.

The People (or, as our new would-be rulers, the anonymous editors of our newspapers, style them, the Mob) had their instincts aroused, and that cheering at the prison van and that hooting at the Judge's carriage were the voices of that instinct which enabled them to see that Mrs. Maybrick had not been "convicted by a Jury of this city," but by a Judge!—that she had not been convicted on evidence but oratory!—and—

"The people are never wrong in their instincts."

I take the following graphic description of the scene from the *Birmingham Daily Mail*, of the 8th August, 1889:—

HISSING JUDGE AND JURY.

At this juncture the jury were about to be discharged, and as they stood up loud hisses were heard through the court. When the verdict became known outside there were loud groans and hooting from a very large portion of an immense multitude that had assembled, and there were several scenes of a very exciting character, almost every one who came out of the building being subjected to unpleasant scrutiny and enquiry. A lady who was taken for Mrs. Briggs was carried through the crowd with the utmost difficulty by the police, and by dint of hard struggling found refuge in the North-Western Hotel, the doors of which were immediately closed against the mob. Mr. William Swift and a lady who was with him were also assailed with groans, and only succeeded in reaching the railway station by the aid of the police. But the greatest scene of all occurred upon the departure of Mr. Justice Stephen from the north end of the hall soon after the sentence had been pronounced. When the judge's carriage drove up the crowd surged in that direction until the street near the end of London Road became almost impassable. When the judge entered the carriage and it drove rapidly off, it was followed for a considerable distance by a crowd of a thousand or more, who hooted and groaned in the most vehement and unmistakeable manner.

The newspaper editors denounced that ebullition of instinct by the Mob as a disgraceful scene; happily, it is unusual, but it is amidst "disgraceful scenes" of this kind that the boast of England, that Englishmen love Fair Play, was born and is nursed. Such scenes are unusual, and happily so, but the very fact that they are unusual, shows that the instincts of the people are not given to disgraceful ebullition.

The instinct of the Mob found expression, not merely in the streets, but in the Press. The first note of the expression of that instinct was uttered in a remarkable letter which appeared on the next morning in the *Liverpool Daily Post* of August 8th, from an anonymous member of the Mob, and I reproduce it here because, in the midst of all that excitement, it is worded with a calmness which would qualify the writer for a position on the Bench of England. The writer of it, whoever he may be, is evidently a member of the legal profession. He is anonymous. I put it to him, ought he to remain anonymous while this woman is in Woking? He is one of those whom our modern editors call "the Mob"!—one of

that class whom hysterical people think are a danger to Law and Order!—one of those who are calm enough, even in the midst of excitement, to perform their public duties of jealously scrutinising and criticising the proceedings in our Courts of Justice, and of watching that our Judges and Juries do find their judgments upon Evidence instead of upon Oratory! And that letter of "Lex" raises thoughts in the mind whether, in the administration of Criminal Justice, we should have so many miscarriages of Justice as do occur—whether Trial by Jury would fall into the disrepute it has fallen—if Juries were allowed to find their verdicts at the conclusion of the Evidence instead of at the conclusion of the Oratory!—

TO THE EDITOR OF THE DAILY POST.

SIR,—I venture to say that the general opinion in legal circles is that the verdict in the Maybrick case is unsatisfactory. So far as evidence has been adduced there has been no proof that the cause of death was arsenical poisoning; and before the prisoner should be convicted surely this should be placed beyond doubt. The judge, in his concluding remarks, where he focussed the points of the case, it appears to me, did not sufficiently dwell on those circumstances which told in her favour, omitting in this summary the remarkable evidence as to the habits of the deceased which would account for the arsenic found in the body.

Another observation strikes one in this case. Much has been said about the wisdom and justice of allowing the accused to make a statement. The prisoner is not allowed to be examined, but if her statement can be closely analysed and commented upon by the judge, as in this case, the prisoner is really in as bad a position as if she were critically questioned by the bench. To suggest that if she could bring witnesses from America her young friends from Germany could be equally procured may seem plausible, but it is hardly fair. The friends of our youth and school days are soon scattered, and many of us would find extreme difficulty in discovering their whereabouts a few years after separation. Surely little reliance can be placed on the fly-paper theory, when we know that without recourse to them there was sufficient arsenic within reach to poison a small population.

To comment on the fact that the accused had withheld her statement until the trial is surely unjustifiable. It is not without the bounds of probability that this statement would have been made at a very early period if the conversation about the discovery of the arsenic in the meat juice had not been stopped by the police constable. The course taken by counsel before the committing magistrates is just what would have been adopted by ninety-nine practitioners out of every hundred.

The whole case is about the most mysterious and extraordinary in judicial records. Its mystery is certainly not dispelled by the verdict of the jury.
—Yours, &c., LEX.

If what Lex says is true—

"So far as evidence has been adduced there has been no proof that the cause of death was arsenical poisoning"—

why is this woman in Woking?

The *Standard* commenced its leading article of the 18th August, 1889, thus:

"The High Sheriff of Lancashire has provisionally fixed Monday, the 26th inst., as the date for the execution of Mrs. Maybrick. It would be too much to hope that this announcement will bring home to the irresponsible individuals, who have chosen to constitute themselves an amateur Court of Appeal to retry the case of the condemned woman, some recognition of the serious nature of the subject into which they have plunged with such rash and meddlesome frivolity. But it may, at least, not unreasonably be expected that the reminder that this is an issue of life and death, and, what is of equal importance, one involving the administration of justice by the highest tribunals of the country, will not be altogether lost upon those of our contemporaries who have chosen to make their columns the medium of a most senseless and indecent agitation.

Notwithstanding these "words of wisdom" by the anonymous and irresponsible editor of the *Standard* to irresponsible individuals who are not editors of newspapers, but who have plunged with "such rash and meddlesome frivolity" into a scrutiny of the summing up of an "able" Judge like Mr. Justice Stephen, and an "intelligent Jury" like the Liverpool Jury whose names I have given, the "irresponsible individuals" held on that same 13th of August, 1889, one of the largest and most earnest public meetings ever held in the City of London, when the following Resolution was carried unanimously (with one dissentient only), and I, as Chairman of that meeting, was directed to forward it to the Home Secretary:

"That this meeting having anxiously considered the evidence adduced at the trial of Florence Elizabeth Maybrick for Murder, and also the summing up of, and especially his comments upon, that evidence by Mr. Justice Stephen, and also the verdict of the Jury, are clearly convinced that the Law of England that an accused person is entitled to the benefit of any reasonable doubt, has not been observed by either the Judge or the Jury, and this meeting therefore respectfully prays that the sentence of Death, passed upon Florence Elizabeth Maybrick, be remitted, and that the verdict of the Jury be quashed."

I will not quote further examples of the voice of "the Mob." Sufficient to say, that when the summing up of Mr. Justice Stephen, and the verdict of the Jury were read the next morning in the newspapers, despite leading articles by editors, praising the Judge as an "able Judge," and the Jury as an "intelligent Jury," the conscience of the nation was shocked; and despite the hysterical ravings of those who seem to think the dignity of our judges stands on such a shaky foundation, that any criticism of a judge would overthrow society, the Nation made its voice heard on Platform, in Press, and by Petition, above all the lectures of editors and all the shrieks of the hysterical, and made it impossible for the Crown to carry out the "sentence according to law," and by this intervention of the People an awful catastrophe was averted, and the sentence of law was not carried out, and Mrs. Maybrick was not hanged by the neck until she was dead, and her body has not been buried in Walton Gaol.

The duty fell upon Mr. Henry Matthews, Q.C., M.P., Her Majesty's Secretary of State for the Home Department—a gentleman in whom are united the qualifications of being learned in the

law, a representative of the people in Parliament, and of the Crown in the Ministry—to advise the Queen as to the course which should be taken with this verdict of murder, which had been repudiated by the whole civilized world, and the course he adopted was this: The verdict had been found, and sentence of death had been pronounced on the 7th of August, 1889. Mrs. Maybrick had been taken to Walton Gaol, and was being confined there under charge of the Sheriff of Lancashire, until the day fixed for her execution, which was the 26th of August. Closing scene of the Trial.

On the 22nd of August, the gallows were erected in Walton Gaol, and the place selected was within a few feet of the cell where this woman was lying in the valley of the shadow of death, and where she could hear the sounds of the carpenters erecting her own death scaffold. It has ever been the boast of England that with the sentence of the law all other punishment ceases; that the torture of a condemned person is abominable in the sight of Englishmen.

If the object of exposing that woman, who had then been lying in the condemned cell for more than a fortnight awaiting her execution, to the torture of hearing the carpenter's hammering the nails of her death scaffold was to extract a confession of guilt, the stratagem failed. Mrs. Maybrick—and I have the *very highest authority* for making this assertion—has never, for one moment, done otherwise than protest her innocence of any thought of compassing her husband's death. The stratagem failed; but the fact of such torture having been applied to a woman under sentence of death, blots out from the fame of England our boast of centuries, that with the sentence of law all other punishment ceases.

And I ask my readers, when considering—as the Maybrick case has afforded us an opportunity for considering—how criminal proceedings are conducted in this country, whether they intend to allow scaffolds to be erected within a few feet and within the hearing of those on whom the sentence of death has been passed, whether they intend to allow their last hours to be thus outraged? I want to know the name of the person who is responsible for that act of barbarity, for this outrage on public decency?

The stratagem—if stratagem it were—failed. Mrs. Maybrick did not make a Confession of Guilt. She protested her Innocence; and, late at night, Mr. Matthews sent a messenger down to Liverpool—he did not send a telegram—he sent a messenger down by train to Liverpool who, with tardy steps, arrived there at midnight, and conveyed to the Governor of Walton Gaol that Mr. Matthews had advised our Queen to remit the death penalty. And Mr. Matthews then supplied the Press with an official statement of the advice he had given to the Queen, and the reasons for that advice.

Mr. Matthews.

MR. MATTHEWS.

The official announcement by the Home Office of the advice given to the Queen by Mr. Matthews, and of the reasons for giving this advice, was communicated to the press in the following form, and appeared in the daily papers on the 23rd August, 1889. Questions were put to Mr. Matthews in the House of Commons, and he replied that the announcement was authentic. He also wrote officially to the Maybrick Committee to say that the following is an authentic statement of the reasons for his decision :—

DECISION OF THE HOME SECRETARY.

"We are given to understand that the Home Secretary, after the fullest consideration, and after taking the best medical and legal advice that could be obtained, has advised Her Majesty to respite the capital sentence on Florence Maybrick, and to commute the punishment to penal servitude for life; inasmuch as although the evidence leads clearly to the conclusion that the prisoner administered and attempted to administer arsenic to her husband with intent to murder, yet it does not wholly exclude a reasonable doubt whether his death was in fact caused by the administration of arsenic.

"This decision is understood not to imply the slightest reflection on the able and experienced practitioners who gave evidence, or on the tribunal before which the prisoner was tried.

"We understand that the course adopted has the concurrence of the learned Judge."

Now, it is impossible to overrate the importance of the course adopted in this case by Mr. Matthews.

Mrs. Maybrick had been indicted, tried, and found guilty on the specific charge of *Murder by Arsenic;* and that verdict, as Mr. Justice Stephens said, left him no discretion, and he accordingly had pronounced *Sentence of Death.*

If Mrs. Maybrick had been indicted upon any other than the specific charge of murder, the law would have given Mr. Justice Stephen discretion, within certain limits, as to the nature of the penalty due to the law.

Mr. Matthews.

There are two distinct offences which might have been included as counts in the indictment upon which Mrs. Maybrick was arraigned:—

(1) Felonious administration of arsenic,
(2) Felonious attempt to administer arsenic;

and the extreme penalty of the law for these offences is *penal servitude for life.*

If either of those two offences had been included in the indictment upon which Mrs. Maybrick was arraigned, the Crown would have produced their evidence upon them and asked for a verdict of the Jury upon either of them, and Mr. Justice Stephen would have passed the sentence of the law in respect of them.

As a matter of fact, Mrs. Maybrick was not indicted for either of these offences, and she was not called upon to plead guilty or not guilty to either of them, and therefore the Jury could not return a verdict upon either of them, nor therefore could Mr. Justice Stephen pronounce the sentence of law upon either of them.

Mrs. Maybrick was convicted upon the specific charge of Murder by Arsenic; she pleaded not guilty to that specific charge; and Mr. Justice Stephen pronounced sentence of death, as the penalty of the law, for that specific crime.

When Mrs. Maybrick entered the dock at the Liverpool Assizes, on the 31st of July, 1889, to plead to the charge preferred by the Crown against her, the Clerk of Arraigns demanded of her whether she pleaded guilty or not guilty to the charge of

"Having, at Garston, on the 11th of May, 1889, feloniously, wilfully, and of her malice aforethought, killed and murdered one James Maybrick, by the administration of poison to him."

To this, in a clear voice, she replied, "Not guilty."

Mr. Addison, Q.C., then opened the case for the Crown by saying to the Jury—

"Each and everyone of you know that the charge against the prisoner at the bar is that she *murdered* her husband by administering to him doses of arsenic."

And Mr. Justice Stephen, when directing the Jury, laid down the law under which the Jury were to find their verdict—

"It is *essential* to this charge that the *man died of poison, and the poison suggested is arsenic.* This question you will have to consider, and it must be *the foundation* of a judgment unfavourable to the prisoner that *he died of arsenic.*"

Mr. Matthews.

Such being the specific charge to which Mrs. Maybrick pleaded not guilty, and on which the Jury found her guilty, Mr. Justice Stephen had no discretion, and pronounced the penalty awarded by law—sentence of death—and it became the duty of the Crown to carry out that sentence.

Whether or not "sentence of death" ought to be the penalty of law for murder is a question which will have to be decided on by the People in Parliament at some future time. It used to be the penalty of law for a great many other things, as, for example, I have myself seen the grave, and conversed with those who attended the funeral, in the churchyard at Isleworth, near London, of a man who was hanged at Newgate under sentence of law for stealing eighteenpence! The people no longer require the Crown, under its contract entered into at the Coronation "to execute justice with mercy," to pass sentence of death on those who are convicted of stealing eighteenpence; but the people do require the Crown to carry out the sentence of death on those who are convicted of murder; and so long as the sentence of death is the penalty awarded by law to those who are guilty of murder, it is the duty of the Crown to carry that sentence into effect.

But in order to enable the Crown to fulfil its contract with the People to "execute justice with mercy," the Crown, in the person of the Sovereign, is invested with a Prerogative of Mercy, to be exercised not at the mere will and caprice of the Crown (although in former reigns the Sovereigns, regarding it as a divine right of kings, claimed that it was a personal attribute, and under it pardoned favourites), but only where such extenuating circumstances are shown to exist as would justify the Ministers in recommending the convict to the mercy of the Sovereign, when, under the advice of her Ministers, the Queen can qualify the sentence of law, or, indeed, under such advice, even disallow the sentence of law altogether.

In this Maybrick case, if James Maybrick did die of arsenic feloniously administered by Mrs. Maybrick—which is the crime for which she was indicted, found guilty, and sentenced to death—it would have been a gross and unwarrantable interference with the course of justice for Mr. Matthews to have advised the Queen not to carry out the sentence of death.

If James Maybrick did die of arsenic feloniously administered to him by Mrs. Maybrick, it cannot be said that there are any extenuating circumstances whatever, because, as Mr. Addison put it when asking the Jury, on behalf of the Crown, for a verdict of Murder against Mrs. Maybrick:—

"If she is guilty, and you are satisfied, we have brought to light a very terrible deed of darkness, and a murder founded upon profligacy and adultery, and carried out with a hypocrisy and cunning rarely equalled in the annals of crime."

If Mrs. Maybrick is guilty of the crime laid to her charge, the crime of:— Mr Matthews.

"Having at Garston, on the 11th of May, 1889, feloniously, wilfully, and of her malice aforthought, killed and murdered one James Maybrick by the administration of poison to him,"

Mr. Matthews committed a gross breach of the contract between Crown and People by advising the Queen, at his mere will and caprice, to interfere with the course of justice, and Mrs. Maybrick ought to have been hanged on the 26th of August, the day appointed for her execution, and her body ought now to be lying buried within the precincts of Walton Jail.

If Mrs. Maybrick is, as the Jury found by their verdict that she was, guilty of murder, as there were no extenuating circumstances which could justify the exercise by the Queen of her Prerogative of Mercy, any interference with the sentence of law by Mr. Matthews was a gross and glaring attack upon law and order.

But if the cause of death was not arsenic, James Maybrick was not murdered; and if he was not murdered, neither Mrs. Maybrick nor anybody else could have been his murderer, and the verdict of the Jury which found that he had been murdered by Mrs. Maybrick is, by the very fact that he was not murdered, a quashed verdict, and any sentence pronounced on that verdict so quashed is an invalid sentence, and the Crown cannot lawfully carry out an invalid sentence.

Mrs. Maybrick may have committed every other crime in the Decalogue, but if she did not commit that specific crime of murder for which she was indicted and tried, and on which she was found guilty and sentenced to death, she is under Magna Charta entitled to her freedom, and the Queen, by her Coronation Oath, entered into a contract with her people to observe Magna Charta, the 39th article of which is:—

"No freeman shall be seized, or imprisoned, or dispossessed, or outlawed, or banished, or in any other way destroyed, nor will we sit in judgment upon him, nor will we pronounce sentence upon him, except by the legal judgment of his peers, and by the law of the land."

If Mrs. Maybrick had committed either of the crimes,

(1) Felonious administration of arsenic,

(2) Felonious attempt to administer arsenic,

she has not been tried upon either of them, and until she has been

Mr. Matthews.

indicted, tried, convicted, and sentenced for them, she is by Magna Charta entitled to her freedom.

Mrs. Maybrick has never been indicted for either of those crimes. She was indicted on the specific charge of murder, and the reason why she was not indicted for any other charge is that it is necessary, according to law, that any indictment for the crimes of felonious administration and felonious attempt should specify in detail the occasion and date of the alleged felonious acts of administration and attempt, so that the accused person, when called upon to plead guilty or not guilty to those specific felonious acts, may be prepared to give evidence to rebut them, and them only; and there is not, I am sure, a single reader of this treatise to whom it is not absolutely clear that no such indictment specially setting forth any felonious acts of administration and attempt could have been drawn on the evidence produced by the Crown at the trial of Mrs. Maybrick, and that is the reason why such charges were not included as counts in the indictment.

Mr. Matthews, Q.C., M.P., Her Majesty's Secretary of State for the Home Department, upon whom devolved the duty of advising the Queen as to the verdict of Murder by Arsenic, which had been returned by the Jury against Mrs. Maybrick, upon whom Mr. Justice Stephen had pronounced the sentence of the law—the sentence of death. Mr. Matthews, I say, as a man learned in the law, occupying as he does the position of a member of Parliament, representing the people on the one hand, and as a member of the Ministry representing the Crown on the other hand, knows perfectly well that the only advice he could give to the Queen in any case where no extenuating circumstances exist, was either to quash the verdict and restore Mrs. Maybrick to the freedom to which she is entitled by Magna Charta, or to carry out the sentence of law—the sentence of death.

Instead of doing either, Mr. Matthews established in the parlour of the Home Office a new tribunal, which must bear his name in the history of our country.

The Matthews' Chamber.

THE MATTHEWS' CHAMBER.

From the 7th of August, when the Jury returned their verdict, till the 22nd of August, when Mr. Matthews announced what he officially describes as his "decision," Mr. Matthews converted the Parlour of the Home Office into a Court, with closed doors, and called in—or has announced that he called in—some anonymous legal and medical advisers to remove from him the responsibility of his "decision." In that secret Court he reviewed—or has announced that he has reviewed—with the assistance of his anonymous legal and medical advisers, the evidence given at the Trial

on the question of the cause of death, the law as to which was laid down to the Jury by Mr. Justice Stephen :—

"It is essential to this charge that the man died of poison, and the poison suggested is arsenic;"

and having so reviewed that evidence, Mr. Matthews's "decision" is that the evidence—

"Does not wholly exclude a reasonable doubt whether his death was in fact caused by the administration of arsenic."

Mr. Matthews, as a man learned in the law, knows that that "decision" is a decision which quashes the verdict, that it is a decision which says that the verdict of the Jury in finding Mrs. Maybrick guilty of Murder by Arsenic was wrong, inasmuch as the evidence left a reasonable doubt whether James Maybrick had in fact been murdered by arsenic; and that if the Jury had returned their verdict in the terms in which Mr. Matthews announced his "decision," it would have been the duty of Mr. Justice Stephen, as representing the Crown at the Trial, to have ruled that that is a verdict of Not Guilty, inasmuch as the law is, that—

"It is essential to this charge that the man died of poison, and the poison suggested is arsenic."

And Mr. Matthews, as a man learned in the law, knows that it is the duty of a Home Secretary, who represents the Crown in the Home Office, to advise the Queen to carry out the law as laid down by Mr. Justice Stephen. Mr. Matthews knew that the voice of the Crown must be the same in the Home Office as in the Courts of Justice, and that if that essential to the charge laid against Mrs. Maybrick—that the man died of arsenic—is left in reasonable doubt, the verdict of the Jury which had ignored that essential was a verdict which was null and void, and upon which no sentence of Law pronounced upon it could be valid, or could be carried out by the Crown, and that he should have advised the Queen that this verdict must be quashed and Mrs. Maybrick restored to her liberty.

But Mr. Matthews came within the category of those who, in our Established Church of England, confess every Sabbath—

"We have left undone those things which we ought to have done, and we have done those things which we ought not to have done."

for he proceeded then to hold—as he has officially announced, with the assistance of some anonymous legal and medical advisers, whom he describes as the best that could be obtained—a secret tribunal in the parlour of the Home Office, at which, unheard and

The Matthews' Chamber.

undefended, he proceeded to try Mrs. Maybrick on the two charges of—

(1) Felonious administration of arsenic.
(2) Felonious attempt to administer arsenic.

But he does not venture on the length of saying in his "decision" that Mrs. Maybrick had been proved guilty of those crimes; he selects language which guards himself and his anonymous legal and medical advisers from that; he only says that—

"The evidence leads clearly to the conclusion that the prisoner administered, and attempted to administer, arsenic to her husband with intent to murder;"

and having arrived at this decision under the shelter of "the best legal and medical advice that could be obtained," he announced that he had advised the Queen, the evidence not having established, beyond reasonable doubt, the charge of Murder by Arsenic, upon which Mrs. Maybrick had been put upon her Trial; that these other two crimes of—

(1) Felonious administration of arsenic,
(2) Felonious attempt to administer arsenic,

might be *substituted*, upon which she had never been tried, and as to which no specific occasions or dates were named, because in his, Mr. Matthews', private opinion, aided by the best anonymous legal advisers that could be obtained, the evidence "leads clearly to the conclusion" that Mrs. Maybrick did commit both these crimes. Mr. Matthews advised the Queen to tear up Magna Charta, and dispense with any obligations on the Crown to indict and try her by a Jury upon those crimes, and threw these words down to the people of England that he had—

"Advised Her Majesty to respite the capital sentence on Florence Maybrick, and to commute the punishment to penal servitude for life."

And he accordingly directed that Mrs. Maybrick should be removed from the charge of the Sheriff of Lancashire, and locked up for life in Woking Prison.

At the foot of that woman in Woking—be she guilty or be she innocent—lies Magna Charta trampled under foot and defaced by Mr. Henry Matthews, Q.C., M.P., Her Majesty's Secretary of State for the Home Department.

To-day there is a woman in England "seized and imprisoned" on charges for which the Crown (in the person of Henry Matthews) has "sat in judgment," and has "pronounced sentence" otherwise than "by the judgment of her peers and the law of the land." And I put the question to my readers whether they intend to allow this new tribunal,

to be created in this country?

Let me remind my readers that it has been solemnly laid down by the Bench that it is the duty of us all to be concerned for Magna Charta and the laws, and that "when the liberty of the subject is invaded, it is a provocation to all men."

This was laid down with great solemnity by the twelve judges who sat upon the well-known Tooley's case, the circumstances of which may be shortly stated thus:—

"A constable arrested a woman named Deakin beyond his jurisdiction. Tooley took her part, and in the heat of the fray killed an assistant of the constable. Tooley was indicted and tried for murder. His defence was Magna Charta, and that the illegality of the imprisonment was a sufficient provocation to make homicide justifiable. The jury returned a special verdict, leaving the question of criminality to be decided by the judge as a matter of law. This question was adjourned to the King's Bench, for the decision of a full court of twelve judges, and the judgment was delivered by Lord Chief Justice Holt in these words:—

"If one is imprisoned upon an unlawful authority it is a sufficient provocation to all people out of compassion, much more so when it is done under colour of justice; and when the liberty of the subject is invaded it is a provocation to all the subjects of England. A man ought to be concerned for Magna Charta and the laws, and if anyone against law imprison a man he is an offender against Magna Charta."

I put it to my readers that Mr. Matthews, Q.C., M.P., Her Majesty's Secretary of State for the Home Department, is "an offender against Magna Charta," so long as there is this woman in Woking, imprisoned on the ground he has officially announced, viz.:—

That "the evidence leads clearly to the conclusion that the prisoner administered, and attempted to administer, arsenic to her husband, with intent to murder."

because Mrs. Maybrick has never been indicted, or tried, or convicted, or sentenced by law upon either of those two crimes.

But this is not all. What is this evidence which Mr. Matthews alleges "leads clearly to the conclusion" that Mrs. Maybrick did commit either of these two crimes? Not only was she not indicted upon them, but the Crown was unable even to frame an indictment upon any evidence which was brought forward at the Trial.

That evidence given at the Trial is before my readers. Let each and every one of them search through it, and point to any single piece of evidence which "leads clearly to the

conclusion" that Mrs. Maybrick either administered or attempted to administer arsenic to her husband—either with or without felonious intent. If there be such evidence? If she did administer arsenic to him? And if he did die after such arsenic was administered to him? If the symptoms of his illness were such as might be properly attributable to arsenic? And if, again, arsenic was found in his body after death? What possible reasonable doubt could there be, in the absence of any direct proof that death was due to some other cause, such as shooting, stabbing, or drowning, that "the cause of death was, in fact, due to the administration of arsenic?"

But where, throughout the whole of the evidence produced at the Trial, is there any evidence whatever of any act of administration of arsenic to James Maybrick, either by Mrs. Maybrick or anybody else, either with or without felonious intent (if we except Dr. Humphreys, who prescribed it within a week of his death).

When, therefore, Mr. Matthews says that, though there is reasonable doubt whether death was in fact caused by the administration of arsenic, the evidence leads clearly to the conclusion that Mrs. Maybrick administered arsenic with intent to murder—I ask my readers upon what earthly grounds could there be a reasonable doubt?

But, I again ask my readers, where is that evidence of administration of arsenic? I can say emphatically it is not evidence which was given at the Trial.

Is it some other evidence—some evidence which has been given to Mr. Matthews secretly behind Mrs. Maybrick's back, and behind the closed doors of the parlour of the Home Office?

If so, let us have it out. Light is stronger than darkness!

Let each and every one of my readers ask his representative in Parliament to call upon the Government to answer in the House of Commons these two questions:—

(1) What was the evidence which was before Mr. Matthews which "leads clearly to the conclusion that the prisoner administered, and attempted to administer, arsenic to her husband with intent to murder"?

(2) What are the names of the medical and legal advisers under whose advice Mr. Matthews acted?

I press it upon my readers, who have now got before them the whole of the evidence given at the Trial, as to any acts either of administration or of attempted administration of arsenic by Mrs. Maybrick—that if there is any evidence leading clearly to the conclusion that she either administered or attempted to administer

arsenic with or without felonious intent, it is evidence which has not been disclosed to the public in open Court.

I also press upon my readers that where a Minister of the Crown publicly announces that he relies upon medical and legal advisers for any advice he gives the Queen touching the life and liberty of the subject, the names of those persons under shelter of whose advice Mr. Matthews has acted should be made known to the public. In the Penge case the course adopted by Mr. Cross, the then Home Secretary, was to make a public announcement in the following words—

"Upon receipt of a report from Mr. Justice Hawkins, stating that upon considerations based on the memorial of Sir William Jenner, and after consultation thereon with Lords Justices Bramwell and Brett and Mr. Justice Lush, he thinks the capital penalty may be remitted in the case of each of the four convicts. The Secretary of State has advised Her Majesty accordingly."

But Mr. Matthews has departed from that open course, and has thrown down to the people, in what he officially describes as his "decision," that all he chooses to disclose is that he has consulted some anonymous medical and legal gentlemen, and has acted under their advice! And I submit to my readers that such a message to the people of England by any Minister of the Crown, upon any subject which touches the life and liberty of the subject, is an arrogant assumption of a power which has never been placed in the Crown by the people. It is a dangerous precedent, and one which our representatives in Parliament should put an end to once and for ever.

Mr. Matthews announces in this "Decision of the Home Secretary" that he understands that his decision "has the concurrence" of Mr. Justice Stephen. This is very remarkable and absolutely unintelligible, because Mr. Justice Stephen laid it down as law to the Jury—

"It is essential to a verdict unfavourable to the prisoner that the man died of arsenic."

And Mr. Matthews' decision is that, "after the fullest consideration, and after taking the best medical and legal advice that could be obtained," the evidence—

"does not wholly exclude a reasonable doubt whether death was in fact caused by the administration of arsenic."

It is absolutely unintelligible that a judge who laid down the law in open Court in one set of terms should "concur" with Mr. Matthews in the Home Office in disregarding his own exposition of the law. In the Penge case, Mr. Cross, the then Home Secretary, did not talk about "understanding that the judge concurred," but openly based his action in advising the Queen upon a report of Mr. Justice Hawkins, and instead of talking about consulting with

some anonymous medical and legal advisers, openly based his action upon the advice of Sir William Jenner as a medical adviser, and Lords Justices Bramwell and Brett and Mr. Justice Lush as legal advisers.

As to Mrs. Maybrick herself, her position is—

"The trial ended and the sentence o'er,
The prisoner stands mute and pleads no more.
Sunk in despair—no distant hope she views,
Unless some friendly voice for mercy sues."

I will ask my readers, when reflecting on her present position in Woking Gaol, to take these words into their hearts and ponder over them—

"Call me Guilty,
I do but pay the tax that's due to justice;
But call me Guiltless, then my punishment
Is shame to those alone who do inflict it."

Those who, like myself, after a deliberate study of the evidence (which I have honestly endeavoured to lay *exhaustively* before my readers) call her Guiltless, must feel Shame as long as a Guiltless woman is passing a living death in our midst, and I invite every one who feels that shame to join in every legitimate effort that can be made to carry out the following programme :—

(1) Mrs. Maybrick's release from prison as a matter of Right and as an acknowledged innocent woman.

(2) The removal from office of all those who can be shown by their unconstitutional conduct to have been responsible for the miscarriage of justice which has taken place.

(3) The bringing to justice any persons who can be shown to have recklessly and maliciously put the charge of murdering her husband upon Mrs. Maybrick.

THE END.

NOTE.—*I shall be glad to receive communications from all who may wish to form a Committee to consider what steps should be taken to Right Wrong, ere this woman succumbs either to death or madness in Woking Prison.*

ALEXANDER W. MACDOUGALL,

Hanney, near Wantage.

APPENDIX A.

REPORT OF MR. E. GODWIN CLAYTON, F.I.C., F.C.S., MEMBER OF THE SOCIETY OF PUBLIC ANALYSTS, &c., CONSULTING CHEMIST, LONDON, (OF THE FIRM OF ARTHUR HILL HASSALL, M.D. LONDON, AND EDWY GODWIN CLAYTON).

Chemical Laboratory, 43 and 44, Holborn Viaduct,
London, E.C., May 2, 1890.

To Alexander W. MacDougall, Esq.,
Hanney, near Wantage.

Dear Sir,—I have at your request made experiments—both chemical and microscopical—with the following:—

I.—Fly-papers.

II.—Valentine's Meat Juice.

III.—Saturated and other Solutions of Arsenic.

And I now beg to report to you the nature and results of these experiments.

I.—FLY-PAPERS.

I received from you two fly-papers stamped with the name of the druggist "Wokes," and also three fly-papers stamped with the name of the druggist "Hanson."

WOKES' FLY-PAPERS.

The *microscopical* examination of these fly-papers showed many fibres of cotton and woollen hairs. The former were mostly colourless, white, or yellowish in tint, while the latter were dyed with various shades of red, indigo, green, yellow, and brown. A few crystals of undeterminable form were also seen.

The *chemical* examination—(1) One of these papers was soaked in 3,086 grain measures of distilled water (temperature 60° F.) for 24 hours. The aqueous infusion so obtained was poured off and the total amount of arsenic present in it was then determined, and (assuming it to be in the form of arsenious oxide) found to be 1·151 grain, = a solution of 0·036 per cent. strength. Small quantities of potash and soda were also present, probably derived from the substance of the fabric. (2) Half of the other paper was steeped in 1,543 grain measures of distilled water (temperature 60°) for one hour. The infusion thus obtained was then poured off and tasted: it was found to be nearly tasteless. I observed no bitterness;

Wokes' bottle contained 1,183 grains of Valentine's Meat Juice. Hanson's bottle contained 1,050 grains. The specific gravity of Wokes' was 1·2124; ditto Hanson's, 1·2162.

Taking the mean of these, the specific gravity of Valentine's Meat Juice may be stated as 1·2143. I have shown in my experiments with fly-papers that if half a grain of arsenic had been mixed with Valentine's Meat Juice, and the vehicle for its introduction had been an infusion of one of those fly-papers, 411 grains of such a mixture would contain 360 grains of fly-paper infusion and only 51 grains of Valentine's Meat Juice. The specific gravity of that mixture would be **1·0281**, and therefore considerably lower than the specific gravity of the Meat Juice itself, namely, 1·2143.

III.—SOLUTIONS OF ARSENIC.

(*a*) Arsenic in powder, or powdered arsenious anhydride, commonly called "arsenious acid," was *shaken* with *cold* distilled water (temperature, 60° Fahr.) at intervals of half an hour for a period of four hours.

Quantity of arsenic dissolved was then estimated, and found to amount to 1·82 grain in 1,543 grains of water = 0·118 per cent., or 0·52 grain per fluid ounce.

(*b*) Arsenic in powder was *shaken* with *cold* distilled water (temperature, 60° Fahr.) at intervals of twenty minutes for a period of six hours.

Quantity of arsenic dissolved, 4·135 grains in 1,543 grains of water = 0·268 per cent., or 1·17 grain per fluid ounce. The specific gravity of this solution was 1·0023.

(*c*) Arsenic in powder *shaken* with *cold* distilled water (60° Fahr.) at frequent intervals during *four days*.

Quantity of arsenic dissolved, 15·38 grains in 1,543 grains of water = 0·99 per cent., or 4·36 grains per fluid ounce. The specific gravity of this solution was 1·0079.

(*d*) Arsenic in powder was *boiled with distilled water for one hour, cooled, and allowed to stand* for twenty-nine hours. Quantity of dissolved arsenic, 34·45 grains in 1,543 grains of water = 2·23 per cent., or 9·77 grains per fluid ounce. A duplicate experiment gave 34·208 grains in 1,543 grains of water, or 2·217 per cent., or 9·69 grains in the fluid ounce. The specific gravity of this solution was 1·0177.

(*e*) Arsenic in powder *boiled with distilled water for four hours*. Quantity of dissolved arsenic, 146·847 grains in 1,543 grains. *Solution*, when hot = 9·517 per cent., or 41·64 grains per fluid ounce.

(*f*) The same solution was *left to stand for one and a half hour*. Result—the quantity of arsenic still in solution amounted to 127·16 grains in 1,543 grains of the cooled solution = 8·24 per cent, or 36·05 grains per fluid ounce.

(*g*) The same solution *was left to stand for 44 hours longer.* Result—quantity of arsenic still in solution, 50·59 grains in 1,543 grains of the cooled solution = 3·28 per cent., or 14·34 per fluid ounce. The specific gravity of this solution, 1·0254.

(*h*) The same solution, left to stand for 90 hours altogether, contained 49·546 grains in 1,543 grains = 3·21 per cent., or 14·03 grains in the fluid ounce.

The first three experiments (*a b* and *c*) show that the quantity of arsenic dissolved by digestion and *shaking* with *cold water* depends to a large extent upon the *time of digestion* and the frequency of the *shaking.* It depends much also upon the particular modification of white arsenic used. The vitreous and crystalline varieties have markedly different solubilities in cold water. The above experiments have been made with crystalline white arsenic.

The strengths of solutions of arsenic obtained by *boiling* with water, and afterwards allowing them to cool by leaving them to stand for some hours, are shown by experiments (*g* and *h*) to be more constant.

You request me to give an exact scientific definition of the expression "a saturated solution of arsenic." I should define a saturated solution of arsenic as *one which has, by any particular process, been forced to take up as much arsenic* (*and* RETAIN *it in solution*) *as is possible by that particular process.* That is to say, though a solution obtained by shaking arsenic in cold water could not be procured of the same arsenical strength as a solution obtained by boiling arsenic with water, yet either solution, if it has taken up and *retained* in solution all the arsenic that can be dissolved by the particular process used, is "a saturated solution;" the one can be distinguished as a *cold* and the other as a *hot* saturated solution. Thus, as is shown by experiment (*c*), by shaking arsenic in cold water at frequent intervals for four days, an arsenical strength is obtained of 0·99 per cent., and I should describe such a solution as a *cold saturated solution of arsenic*—that is to say, 0·99 per cent. is the greatest arsenical strength which can be obtained and retained in solution by that particular process, of shaking arsenic with cold water.

Thus, again, as is shown by experiment (*h*), by boiling arsenic with water and allowing it to cool and stand for about four days (or 90 hours), a solution is obtained of 3·21 per cent. arsenical strength, and I should describe that as a *hot saturated solution of arsenic*—that is to say, 3·21 per cent. is the greatest arsenical strength which can be obtained and *retained* by that particular process of boiling arsenic with water, and afterwards cooling the solution and allowing it to stand.

As I have shown by experiments (*e* and *f*), still more arsenic can be held *temporarily* in solution by the *boiling process.* In experi-

ment (*e*) the arsenical strength was taken while the solution *was at a boiling temperature*, and was then found to be 9·517 per cent.: the same solution, after being left to cool and stand still for 1½ hour, still showed an arsenical strength of 8·24 per cent.; but experiments (*g* and *h*) show that such arsenical strength is only temporary and is not *retained*, because the same solution left to stand for a further 44 hours, or say two days, showed an arsenical strength of only 3·28 per cent., and when left to stand for 90 hours altogether, or say four days, showed 3·21 per cent.

It is certainly difficult to give a precise definition of the term "saturated solution," because the question of "saturation" depends upon *the particular process* by which the solution is prepared, but I should have no hesitation in saying that the solutions made in experiment (*c*) and experiment (*h*) are both "saturated solutions," and represent respectively—

(*c*) A saturated solution obtained by the process of shaking arsenic with cold water, by means of which an arsenical strength of 0·99 per cent. is obtained.

(*h*) A saturated solution obtained by the process of boiling arsenic with water, by means of which an arsenical strength of 3·21 per cent. is obtained.

In other words, the *cold water saturated solution* is a solution of an arsenical strength of 0·99 per cent., and the *boiling water saturated solution* is a solution of 3·21 per cent., arsenical strength.

I think, however, that—as few people outside of a chemical laboratory would have the patience or opportunity to make a solution by shaking it at short intervals during four days—the solution obtained in experiment (*b*), viz., an arsenical strength of 0·268 per cent., might be described in a *popular* sense, though not with strict scientific accuracy, as "a saturated solution of arsenic."

You ask me to state what the proportions and difference of specific gravity would be if the vehicle for introducing the arsenic in solution had been an *aqueous solution of arsenious acid* instead of an *infusion of flypapers*. The following list of the solutions obtained in my experiments (Section I) will answer the question as to the proportions :—

Experiment	(*a*)	423·71	grains of that solution would carry half a grain of arsenic.		
,,	(*b*)	186·54	,,	,,	,,
,,	(*c*)	50·15	,,	,,	,,
,,	(*d*)	22·37	,,	,,	,,
,,	Duplicate	22·53	,,	,,	,,
,,	(*e*)	5·25	,,	,,	,,
	(if added at a boiling temperature.)				
,,	(*f*)	6·02	,,	,,	,,
,,	(*g*)	15·12	,,	,,	,,
,,	(*h*)	15·56	,,	,,	,,

As I have already pointed out under Section I, the solution obtained by experiment (*b*) is as strong a solution as can be *conveniently* made by shaking arsenic with *cold water*. Several days' digestion and frequent shaking are required for the preparation of a stronger solution by the use of cold water only.

The solution prepared in experiment (*d*) fairly represents what would be obtained by anyone who made a solution of arsenious acid by *boiling the powder with water for an hour*, leaving the vessel to stand for a day or so, and pouring off the clear solution.

In my opinion, therefore, experiments (*b*) and (*d*) give representative solutions, cold and hot respectively. So variable, however, is the behaviour of arsenic with solvents (and particularly with water), that it has been in my judgment advisable to include here all the results obtained by me, whether of experiments or calculations, with solutions of different strengths.

It will be obvious from the figures given, that, if 411 grains of a liquid (a mixture of Valentine's Meat Juice and an arsenical solution), contain half a grain of arsenic in solution, and the vehicle for the introduction has been a solution of the strength prepared in experiment (*b*), viz., cold water solution, not less than 186½ grains of that arsenical solution must be present, and the 411 grains of liquid must consist of 224½ grains of Valentine's Meat Juice, and 186½ grains of the cold water arsenical solution.

Again, if the vehicle for the introduction of the half grain of arsenic was a solution of the strength prepared in experiment (*d*), viz., hot water solution, evidently only 22½ grains of that arsenical solution would be required, and the 411 grains of liquid would consist of 388½ grains of Valentine's Meat Juice and 22½ of the hot water arsenical solution.

As to the effect upon the specific gravity, taking the specific gravity of Valentine's Meat Juice as 1·2143 (see *ante*), I find that the addition of 186½ grains of arsenious acid solution—experiment (*b*) (specific gravity, 1·0023)—to 224½ grains of the Meat Juice would lower the specific gravity from 1·2143 to 1·1263.

Again, an admixture of 22½ grains of arsenious acid solution—experiment (*d*), (specific gravity, 1·0177)—with 388½ grains of Valentine's Meat Juice would lower the specific gravity from 1·2143 to 1·2086. In the same way, an addition of 50 grains of the solution—experiment (*c*) (specific gravity 1·0079)—to 361 grains of meat juice, would reduce the specific gravity from 1·2143 to 1·200. Similarly, by an addition of 15 grains of the solution—experiment (*g*) (specific gravity 1·0254)—to 396 grains of Valentine's Meat Juice, the specific gravity would be reduced from 1·2143 to 1·2107.

I have tested the matter experimentally, in the case of experiments (*b*) and (*c*), and confirmed the calculations.

It is evident, therefore, that the extent of the diminution of gravity is entirely dependent upon the strength of the arsenical solution.

CONCLUSIONS.

This investigation has led me to the following conclusions:—

(1) *It is impossible* that rat poison, consisting of a mixture of arsenic and charcoal, could have been added to Valentine's Meat Juice, in a quantity sufficient to introduce half a grain of arsenic, without indications of its presence being detected in the shape of particles of carbon (charcoal).

(2) *It is next to impossible* for any person, without opportunities for, and knowledge of, chemical manipulation, to make or procure an aqueous infusion of the fly-papers, which could be added to Valentine's Meat Juice in sufficient quantity to introduce half a grain of arsenic, without signs of the addition being evident on microscopical examination, in the shape of characteristically coloured fibres and hairs derived from the fly-papers.

The only method by which it is possible, even in the chemical laboratory, to obtain an infusion of these papers free from coloured fibres of cotton and woollen hairs, is filtration through filter paper of good quality. I consider it in the highest degree unlikely that an ordinary individual would think of employing such a process, or would even contemplate the advisability of attempting to eliminate the fibres from the infusion.

(3) The results of my experiments have further clearly shown that, if half a grain of arsenic is introduced into Valentine's Meat Juice in the form of an aqueous solution, the specific gravity of the mixture is lower than that of the meat juice, and that the extent of the diminution will depend upon the strength of the arsenical solution and the proportion added.

I am, yours faithfully,

E. GODWIN CLAYTON, F.I.C., F.C.S.,

Member of the Society of Public Analysts, Member of the Society of Chemical Industry, &c., &c.

APPENDIX B.

THE PRINTED LIST PREPARED BY THE POLICE.

Re James Maybrick, Deceased.

Lists of Bottles, &c., handed over to Analyst by the Police.

Note.—Where any words appear in italics in the text of the Printed List it signifies that Mrs. Maybrick underlined them when in the dock.

Mrs. Maybrick's notes made while in the dock.		Royal Institution Laboratory, Liverpool, May 14th, 1889.
		Received from Inspector Baxendale:
Minute.		1 large stone jar, covered with muslin, and sealed A B.
No arsenic.		3 glass jars—1. *Intestine.*
1-8th Distinct evidence.		—2. Contents of stomach.
		—3. *Liver.*
		Stoppered and sealed as above.
Sulphide. Arsenic. Liver.		2 small 2oz. bottles:
		A. Fluid which flowed from mouth, sealed as above.
		B. Bile.
		4 jars covered with white paper, and sealed—
No Arsenic. Housemaids.	*Traps.*	1. Earthenware jar containing sediment.
Arsenic W.C.		2. „ „ „
Lavatory.		3. „ „ „
Area. Arsenic traces outside.		4. Glass „ „ „
Handkerchief. Arsenic, red stain—trace.		Bottle: 1A. *Found by Mrs. Briggs*, in Mrs. Maybrick's room, with *handkerchief.*
	Free	2. Bottle, with fluid, in deceased's room, by Inspector Baxendale.
		3. Lotion.
		4. Laudanum.
		5. Colourless liquid.
		6. Parcel.
		7. Found in Mrs. Maybrick's dressing-room, by Inspector Baxendale. Meat Extract.
A. *Solid form.*	*Wooden box in hat box.*	8. Bottle, with liquid and black powder, by Inspector Baxendale.
		9. *Compound mixture of bismuth, by Inspector Baxendale.*
White A. Saturated solution. Solid arsenic at bottom.		10. Liquid in bottle, no mark, by Inspector Baxendale.
15 to 20 grains. Two drops solution.		11. *Sediment in bottle*, label Humphrey Jones, Llangollen, by Inspector Baxendale.

Mrs. Maybrick's Notes.	Printed List.
Tumbler and rag. (Arsenic) together large amount. 14 grains were altogether 20g. } *Other hat box.*	12. *Glass*, by Inspector Baxendale.
	13. Box of crystals, by Inspector Baxendale.
	14. Parcel, Carbonate of magnesia, Clay and Abrahams, by Inspector Baxendale.
	15. Bedding from bedroom in which deceased died:— 2 blankets. 1 sheet. 2 towels. 1 shirt.
	16. Flannel shirt worn two or three days before death.
Arsenic. Mixed with charcoal 1-4th ounce. Handkerchief, black stain, charcoal outside mark. Arsenic. Trunk.	17. *Sealed package*—seal, bird with branch in its mouth—contains a box, in which was a package marked "Arsenic. Poison for cats," *with* poison label. *Handkerchief.*
No label.	Bottle, labelled Solution of Morphia. *Bottle, no mark.* Parcel of yellow powder.
	18. *Bottle of Vanilla Essence.* (Signed) Edward Davies, F.C.S., F.I.C., &c.
—	—
	Bottles found locked up in Mr. Maybrick's private desk, in office, by Mr. Inspector Baxendale, 18th May, 1889:—
	1. Rye one's compliments.
	2. Dark wine bottle, no labels.
	3. Old liqueur brandy, vintage 1854.
	4. Dark mixture from Clay and Abraham; page 24,216, date 17th June, 1888.
	5. Medicine bottle, Thompson and Capper; see copybook, page 467. Contents: Small quantity of water, coloured liquid.
Half full. X	6. Mixture, Clay and Abraham; page 246,349, date 24th April, 1889. Medicine bottle—contents: light-yellow coloured liquid.
	7. The gargle, Clay and Abraham's; page 239,401, date Nov. 10, 1887. Light water-coloured liquid.
	8. Small round bottle from Wokes', Grassendale. No. 02,123. Contents: light water-coloured liquid.
No label.	9. *Scent bottle. Contents: small quantity dark brown mixture.*
	10. Spirits of salvolatile. Edwin G. Easton, Exchange Street East, Liverpool. Contents: light-coloured liquid.
Small bottle from Anson's. Contents: Dark brown mixture for Mrs. Maybrick.	11. *Small bottle from Anson's. Contents: dark brown mixture for Mrs. Maybrick.*

Mrs. Maybrick's Notes.	Printed List.
	12. Small bottle containing pills, labelled Poison, from H. T. Kirby, Newton Street, Oxford Street, London. Nucis vomicæ. Received (Signed) Edward Davies. May 18th, 1889.
—	—
	13. Small bottle, labelled Tincture of Podophyllin.
	14. Empty bottle, labelled Clay and Abraham, page 243,868; date 25th October, 1888.
No label. Solution (?)	15. *Empty bottle, containing small quantity red liquid. No label.*
	16. Small bottle. Drop of sediment, labelled Clay and Abraham, 243,418—17.9.88.
No label (?)	17. Empty bottle. No cork.
No label (?)	18. *Small bottle. Few drops of light-coloured liquid. Written label, "dessert spoonful."*
	19. Small bottle, containing belladonna pills. Thompson and Capper.
	20. Box of corn plasters.
	21. Small box of dark-brown pills, "podophyllin."
	22. Small pill box without lid, containing piece of something like spar.
	23. Bottle of tasteless pills, "phosphori."
	24. Small green glass bottle, from Thompson and Capper.
No label (?)	25. *Small green empty bottle.*
Small but distinct trace of arsenic. Must have been a good in it.	26. Four packets of borax.
	27. *Pan, basin and jug.*
	Received from Mr. Edwin Maybrick on the 18th May, 1889, being the utensils used by deceased in his "Edwin's" presence.
	28. *Syringe in case.* Received (Signed) Edward Davies. May 18th, 1889.
—	—
	(1)
	List of bottles, &c., found in Linen Room at Mr. Maybrick's house on the 17th May, 1889, by Sergeant Davenport:—
Dressing-case, Mrs. M. {	1. Small quantity of white powder.
A. on tray of trunk outside. Weak solution, 10th of whole quantity.	2. Six white pills.
Face wash.	3. *Small round bottle. No label.* Containing small quantity of light liquid.
	(Signed) Edward Davies. May 20th, 1889.
—	—
	(2)
	List of bottles, &c., found in the sitting-room at Mr. Maybrick's house on the 18th of May, 1889, by Mr. Inspector Baxendale:—
	1. Bottle of medicine, Mc.Guffie and Co., Castle Street, Liverpool. No. 472.

Mrs. Maybrick's Notes.	Printed List.
	2. Bottle of pills, Thompson and Capper, Bryonia Alba 1.
	3. Bottle of pills, Thompson and Capper, Bryonia Alba 1, Nux Vomica 1.
	4. Bottle of pills, Thompson and Capper, Bryonia Alba 1, Nux Vomica 1.
	5. Bottle of Mercurius Sol 3x, Thompson and Capper.
	6. Empty blue bottle, labelled "Not to be taken." C. Hanson, Cressington.
No arsenic.	7. *Bottle of Brandy*, received from Mr. Edwin Maybrick, was removed from sick room at same time as poison. Bottle of *Valentine's Meat Juice. Has been tampered with.*
Contains arsenic—400 grains liquid, half grain arsenic.	
	(3)
	From Spare Bedroom:
	1. Small bottle, in case, containing pills.
	2. Small bottle in blue paper, soda, mint tablets.
	3. Small bottle of light coloured liquid, from Clay and Abraham.
	(Signed) Edward Davies,
	May 20th, 1889.
	(4)
	List of bottles, &c., received from Nurse Yapp on the 18th of May, 1889, by Mr. Inspector Baxendale:—
	1. Bottle, labelled Carbolic Acid—Poison, Hanson, Cressington, containing brown liquid.
	2. Small bottle, labelled Paregoric—Poison, Hanson, Cressington, containing brown liquid.
	3. Medicine bottle, Hanson, Cressington, containing few drops of liquid.
	4. Bottle of castor oil.
	5. Bottle of glycerine lotion.
	6. Bottle of glycerine and lemon juice.
	7. Bottle of pepsine wine.
	8. Bottle of ipecacuanha wine.
X	9. Small glass measure.
	10. Bottle, labelled Tincture of Myrrh, G. J., Wilding, Cressington, containing brown liquid.
	11. Round bottle, labelled Sweet Spirits of Nitre, Wilding, Cressington, containing white liquid.
	12. Empty bottle.
	13. Round bottle, labelled Tincture of Arnica, containing brown liquid.
	14. Round bottle, labelled Tincture of Arnica, containing brown liquid.
	15. Empty bottle, P. S. Wokes, 0/2,024.
	16. Ditto, 0/2,028.
	17. Small bottle, labelled Glycerine of Tannin, containing brown liquid.
	18. Bottle, labelled Parrish's Syrup, containing brown liquid.
	19. Bottle, labelled Dinneford's Fluid Magnesia, containing few drops light liquid.

Mrs. Maybrick's Notes.	Printed List.
	20. Box of insect powder. 21. Bottle of Bynin Liquid Malt (empty). 22. Ditto, containing quantity liquid. (Signed) Edward Davies. May 20th, 1889.
	(5) List of bottles, &c., found in Mrs. Maybrick's dressing and bedroom on the 18th May, 1889, by Mr. Inspector Baxendale :— 1. Bottle containing light brown liquid. No label. 2. Bottle white powder. labelled Antipyrin, Symes and Co., Liverpool.
X	3. Small bottle, labelled C. Hanson, Cressington, Tincture of Benzoin, A. Elderflower Water, full of light liquid.
	4. Small bottle of Aconitum Nepellus 1, Thompson and Capper. 5. Box containing two powders, C. Hanson, Cressington, 8. 5. 89. 6. Brandy flask, part full. 7. Box of pills, from Pearson's, Grassendale. 8. Ditto, "Anti-bilious," C. Bromley, 1, London Road, Liverpool. (Signed) Edward Davies. May 20th, 1889
	(6) List of bottles, &c., found in Mr. Maybrick's dressing-room, on the 18th May, 1889, by Mr. Inspector Baxendale :— 1. *Small blue bottle, labelled Poison, from Clay and Abraham*, 242,706, 27th April, 1888. 2. Medicine bottle, Clay and Abraham, 243,868, 25th October, 1888, containing few drops brown liquid.
Fuller's arsenic. There must have been a small quantity.	3. *Medicine bottle, Clay and Abraham, 24th April, 1889, 24,634*, containing small quantity dark thick liquid.
	4. Medicine bottle, Clay and Abraham, 6th November, 1888, contents light brown liquid, 244,034. 5. Medicine bottle, Clay and Abraham, containing dark coloured liquid, 17th June, 1888, 242,161. 6. Small round bottle, Clay and Abraham, contents, few drops light coloured liquid, 27th July, 1888, 242,707. 7. *Small blue bottle, labelled poison*, few drops tincture of aconite, Clay and Abraham. 8. Brown paper packet. 9. Brown paper packet containing camomile flowers. 10. Small green bottle, Thompson and Capper (empty), 181,470. 11. Small empty bottle, Tincture of Podophyllin, Thompson and Capper.

Mrs. Maybrick's Notes.	Printed List.
	12. Small empty green bottle, Thompson and Capper, page 676.
	13. Packet of violet powder, J. Wylding, Aigburth.
	14. Small bottle containing light coloured liquid, Hanson, Cressington.
	15. Empty bottle, Hanson, Cressington, 15,531.
	16. Box of pills, Hayard and Co., New York. 453,670, 2-6-84.
	17. Box of salve, J. H. Holmes, Colwyn.
	18. Box of zinc ointment.
	19. Box of pills, Bromley, London Road, Liverpool.
	20. Ditto, Eno's.
	21. Small packet like chocolate.
	22. Ditto.
	23. Large bottle labelled Poison. Hair wash, Mc.Symon's, containing few drops.
No label {	24. *Dark-coloured bottle, Allen and Hanbury, no label. "Empty."*
	25. Ditto, containing a quantity of liquid.
	26. Bottle containing few light drops of liquid, labelled Sanitas Disinfecting Fluid.
	27. Podophyllin liquid, blue bottle. Hockin, Wilson and Co., Manchester and London.
	28. *Small bottle labelled Acetic Acid*, containing few drops light liquid.
	29. Small blue bottle labelled Collis Browne.
X	30. Large *brown bottle labelled Cascara Cordial, Park, Davies* and Co. Contents: dark liquid.
	31. Green bottle labelled Horsford's Acid Phosphate, part full, light liquid.
A. 2-3rd grain in the entire bottle. No label.	32. *Blue bottle, Price's Glycerine.*
	33. Small round empty bottle. (Signed) Edward Davies. May 20th, 1889.
	34. Round bottle of Oil of Mustard, from J. H. and S. Johnson, 6, 8, and 10, Whitechapel, Liverpool.
	35. Small bottle, label partly scratched off, Sharp and Son, 34, High Street, Notting Hill, containing few drops of light liquid.
	36. Bottle labelled Colman's Mustard, containing brown fluid.
No label.	37. *Round bottle containing few drops light liquid. Small piece of leather attached.*
	38. Medicine bottle, Hooper & Co., 7, Pall Mall East, S.W. No. 313v, containing few drops of light liquid.
	39. Brown bottle, labelled Gordon's Extract, containing dark liquid.
	40. Small bottle containing Soda Mint Tablets.
	41. Mint bottle, Liquorice Powder.
	42. Blue bottle, Pond's Extract Ointment for piles.
	43. Pot, labelled Parisian Polish.
	44. Ditto.

Mrs. Maybrick's Notes.	Printed List.
	45. Tin box, Vaseline. 46. Box containing two small bottles, one liquid and the other powder, labelled New Phosphates. 47. Box of Salve. 48. Pot Tooth Paste, "empty." 49. Bottle of white crystal. 50. Box of pills from Bell's, of London. 51. Box of Calvert's Tooth Paste. (Signed) Edward Davies. May 20th, 1889.
	(7) List of bottles, &c., taken from the lavatory at Mr. Maybrick's house on the 18th May, 1889, by Inspector Baxendale:—
My room.	1. Bottle of Cod Liver Oil.
	2. Medicine bottle, Clay and Abraham, page 243,927. 28 Oct., '88. Small quantity brown liquid.
	3. Black bottle, containing small quantity Carbolic Acid.
	4. Empty medicine bottle, Clay and Abraham, 244,034. 6 Nov., '88.
	5. Bottle of liquid for cleaning cloth, T. J. Harford, 29, Williamson Street, Liverpool.
	6. Empty bottle, labelled Condal Water, from R. & J. Elliott, 69, Church Street, Liverpool.
	7. Empty hair wash bottle.
No label.	8. *Lavender water bottle*, containing dark fluid. *No name.*
	9. Medicine bottle, Fellow and Co., St. John's, N.B., containing few drops liquid.
	10. Empty spirit bottle.
	11. Medicine bottle. Clay and Abraham, 242,161. 17th June, '88. Containing small quantity dark liquid.
	12. Medicine bottle, Clay and Abraham, 243,927. 28th Oct., '88. Containing small quantity dark fluid.
	13. Medicine bottle, John Bell and Co., London, B.A., 681.
	14. Medicine bottle, W. H. Bell, 96, Albany Street, Regents Park, London. 159,302.
	15. Blue bottle containing Carbolic Acid, T. C. Calvert and Co., Manchester. (Signed) Edward Davies. May 20th, 1889.
	16. Small empty bottle.
	17. Medicine bottle. T. S. Wokes, Grassendale, 0/2126, quantity light-coloured liquid.
	18. Tin box, containing insect powder.
	19. Empty bottle. C. Hanson, Cressington, No. P. 193.
	20. Small bottle containing light-coloured liquid, from Mr. Guffe, Liverpool, No. N 432.
	21. Small bottle containing slight dark liquid. Clay and Abraham, 24 Sep., 1888, 243,494.
No label.	22. *Small empty bottle. No label.*

Mrs. Maybrick's Notes.	Printed List.
	23. Ditto. Clay and Abraham, 27 July, '88, No. 242,709. 24. Pot of ointment. C. Hanson, Cressington, 3472. (Signed) Edward Davies. May 20th, 1889.
	(8)
Contain both about the same quantity—2½ grains. *Decimal—2·09 in 1 paper.* *Arsenite Potash dissolves more easily. Dissolves more easily.*	1. *Nine fly-papers, from Mr. Hanson's, Cressington.* 2. *Nine ditto from Wokes.* (Signed) Edward Davies. May 20th, 1889.
	Things found in a small drawer under a looking-glass in Mr. Maybrick's dressing-room, by Inspector Baxendale, on the 20th of May, 1889:— 1. Box of corn plaisters, Henry Young, London. 2. Box pills, Clay and Abrahams, 22-85-97. 3. Tin of Pedeline. 4. Small bottle of white powder. 5. Small green bottle of pills, H. and T. Kirby, London. 6. Small box potash tablets. (Signed) Edward Davies. 21st May, 1889.
	Royal Institution Laboratory, Liverpool, May 29th, 1889. Received from Inspector Baxendale:— One brown stone ware jar, covered with parchment paper, and sealed "A B." Tied with string. (Signed) Edward Davies, F.C.S., F.I.C., &c.
	May 30th, 1889. Received from Inspector Baxendale:— One tin Hamilton's carbolic disinfectant. One paper Moure fly paper. Signed R. Humphreys. (Signed) Edward Davies.
	June 1st, 1889. Received a spoon from Inspector Baxendale. (Signed) E. Davies.

NOTE TO APPENDIX B.

NOTE.—Now, I will make this observation upon that Printed List of articles, that excluding the black powder labelled "Poison for Cats," and the black solutions of the same, and the bottles numbered 10 and 11, which constituted the alleged stores of arsenic found in the house after death, there are out of all this long list of 250 bottles, &c., handed by the police to the analyst, only six which contained even a *trace* of arsenic, and that if James Maybrick had swallowed them all at once, there was not enough arsenic in them put all together to have killed him. The articles which did contain any traces of arsenic are described in the Printed List thus—

(1) Bottle 1. "Found by Mrs. Briggs in Mrs. Maybrick's room, with handkerchief." This is a bottle of oxide of zinc which was found in the dressing-room. There was no arsenic in the bottle, but on a handkerchief that was found with it, there was a red stain which Mr. Davies said might have been rouge or red tooth powder, but which on analysis showed a *trace* of arsenic.

(2) "Pan, basin, and jug." These are described in the receipt given by Mr. Davies for them, thus—"Received from Mr. Edwin Maybrick on the 18th of May, 1889, being the utensils used by the deceased in his [Edwin's] presence." These things were found at the office by Edwin Maybrick a week after death, and were the vessels which James Maybrick used for his lunch at the office on the 1st and 2nd of May, and in the rinsings of all these together, Mr. Davies found a small *trace* of arsenic.

(3) "Small round bottle, no label, containing small quantity of light liquid." This was a bottle which was found on a tray in the linen room by Inspector Davenport, on the 18th of May, and Mr. Davies said that the liquid in it was a scent, and was such as might be used for toilet purposes, and that he found in it a very minute *trace* of arsenic.

(4) "Bottle of Valentine's Meat Juice—has been tampered with." This is the bottle of Valentine's Meat Juice which, it was alleged, is the bottle which Mrs. Maybrick took into the dressing-room on the night of Thursday, the 9th of May, and into which she said in her statement to the Jury, that she, at her husband's request, put a powder—but had no conception that it was arsenic. In this bottle, Mr. Davies had actually found $\frac{12}{100}$th parts of a grain of arsenic, and calculated that there was half a grain of arsenic in the half bottle handed to him.

(5) "Medicine bottle, Clay and Abraham, 24th April, 1889, (24,634), containing small quantity dark thick liquid." This is a bottle of medicine prescribed by Dr. Fuller, and dispensed by Clay

and Abraham, and handed by them to James Maybrick personally. The bottle had been laying on its side, and the sediment was deposited on the bottom and side, and in this, and a little of the liquid that was left, Mr. Davies found a very minute *trace* of arsenic.

(6) "Blue bottle—Price's Glycerine." In this bottle, which was a pound bottle of glycerine, Mr. Davies found in 1,000 grains some amount of arsenic which he did not state, except as "about one-tenth of a grain," but which, by supposing the arsenic to be equally distributed all through the one pound bottle, would, by some process of arithmetic which I am not acquainted with, show there was two-thirds of a grain of arsenic in the whole pound of glycerine.

I have dealt with these different articles in this treatise; and my readers will find there the whole of the evidence about what arsenic really was found in them. But I think it is a remarkable fact about this Printed List, that even assuming Mr. Davies did find half a grain of arsenic in the Valentine's Meat Juice, and two-thirds of a grain of arsenic in the pound bottle of glycerine, and *traces* of arsenic in four other things, no *trace* of arsenic was found in any other of that long list of articles handed to the police; and it is also a remarkable fact that if James Maybrick had swallowed the whole of the Valentine's Meat Juice, and the whole pound of Price's Glycerine, and all the other things, there was not enough arsenic in them all put together to have killed him.

The police prepared that Printed List. The Coroner and the Coroner's Jury, the Magistrates, Mr. Justice Stephen, the Jury at the Trial, and the learned Counsel had all copies of that Printed List before them; and so great was the excitement during these proceedings that no one appears to have noticed that little, simple, hard fact. The excitement is now over, and it is a fact which no doubt will impress itself upon the minds of every one of my readers, who, perhaps, have seen this extraordinary "list of articles handed to the analyst" for the first time.

Mrs. Maybrick had also a copy of that Printed List in her hands while she was in her trying position in the dock. It was the first intimation of what the police and the "suspecting five" had ransacked out of the house and office as evidence against her that she had poisoned her husband by putting arsenic into his food and medicines, and as that list was gone through, she made the comments upon it which I have set out in the margin (the original copy which was in Mrs. Maybrick's hands, with the notes upon it, is in my possession, and the handwriting of her notes shows anxious excitement, but no trepidation or fear), and the first question which will no doubt occur to my readers, as it occurred to me, is: Why, if Mrs. Maybrick was conscious of guilt—if she knew what

things contained arsenic—she should have made these notes at all?

I have tried to analyse that woman's mind when in that dock with this alarmingly long list of articles in her hand, and I submit to my readers' consideration the ideas which occurred to me.

As to the result of the analysis of the body, she of course could have no knowledge, and she merely marks those parts where arsenic was found.

She notices carefully that the only traces of arsenic found in the traps of the house are in the w.c. and area outside the house, and that none was found in the traps of either the housemaid's closet or the lavatory.

But when we come to the things where—if she already knew—arsenic was, and where it would be found, the question presses itself forcibly on the mind, Why did she make any notes at all? An *innocent* woman would *naturally* do so; but it does not appear to me to be *natural* for a guilty person to make notes against them.

Now let us follow these notes of hers through that list.

No. 1 A. She underlines the words, *found by Mrs. Briggs*, *handkerchief*, and *trace*.

What was crossing her mind? Was it guilt, or was it a suspicion of Mrs. Briggs?

She notices that all the articles Nos. 2 to 7 are free from arsenic, but she underlines No. 7, *meat extract*.

This is a half-bottle of Valentine's meat juice (which, though described in the printed list as found in Mrs. Maybrick's dressing-room by Inspector Baxendale, was in reality found by Mrs. Briggs in the hatboxes, together with the stores of arsenic). There was no arsenic found in this *meat extract*, but Mrs. Maybrick underlines it.

What was crossing her mind? Was it why should that bottle be there? What bottle is it? Who put it there?

She underlines No. 9, compound mixture of bismuth, which contained no arsenic, but which was also in the hat-box containing the stores of arsenic.

What was crossing her mind? Was it, Why should that bottle be there? Who put it there? And when she comes to the "stores of arsenic" themselves she particularly marks that Nos. 8, 10, 11 were in a *wooden box* in one of the hatboxes, and that No. 12 is in the other hatbox, that the arsenic in No. 8 is in a *solid form*; No. 10, *white arsenic, saturated solution, solid* arsenic at bottom; No. 11, *sediment of 15 to 20 grains, 2 drops solution*.

The question, If she knew all about these stores of arsenic already why should she make these notes, presses itself upon my mind. An *innocent* person knowing nothing about them would *naturally* do so; but if she knew all about this store of arsenic, why should she make these notes?

Then she comes to *No. 12.* She notes that what is described in the printed list as a "glass" is, and writes against it, "a tumbler and rag together," and the large quantity of arsenic there.

She takes no notice of Nos. 13, 14, 15 and 16; no arsenic was found in them, and she takes no notice of them. Well, the fact that she took no notice of Nos. 15 and 16 suggests to my mind, at all events, that Mrs. Maybrick could have had no knowledge about arsenic, or arsenical poisoning, because any one who had any knowledge whatever about it, would have been struck with the significance of the fact that no arsenic was founed in the bedclothes or shirt worn by the deceased for two or three days before death, because arsenic is eliminated during life either in the evacuations or through the pores of the skin, and the bedclothes and shirt worn by the deceased are the things which those who have any experience of arsenical poisoning first look at to find arsenic. I will say nothing about the curious nature of the list of these things selected by the police. For example, no pillow case. What I want to direct the attention of my readers to is, that Mrs. Maybrick took no notice of the fact that no trace of arsenic was found in the bedclothes and shirts worn by the deceased. If Mrs. Maybrick was possessed of consummate skill in the act of arsenical poisoning, and was possessed of a guilty mind, the fact that no trace of arsenic had been found in these things would have aroused a sense of great relief in her mind, and she would have made a particular note of the fact. Her passing such a fact without notice, points forcibly to her being ignorant of the art of arsenical poisoning, and of her having a perfectly innocent mind.

Then she comes to the next store of arsenic—the things found by Alice Jupp. She marks opposite to that that it is *sealed package with poison label.* She underlines the word *with*, thus noticing that there are two labels on this packet, the poison label, and the label "Arsenic. Poison for Cats."

What is passing through her mind then? Is it that it is odd that this parcel should have *two* poison labels? It is odd, any way, and it certainly does suggest to my mind that a "putter on" would be more likely to put two poison labels on than either a shopkeeper or a murderer. She does not take any notice that the one label, "Poison for cats," is in handwriting. Beyond the fact that it was admitted at the trial that the handwriting was not Mrs. Maybrick's no discovery was made by the police in whose handwriting it was, and it does not appear that Mrs. Maybrick ever saw the packet itself—I mean it does not appear that the packet was handed to her to see if she recognised the handwriting—and she may not even have known that this second label was in handwriting—it was, in fact, written in red ink. At any rate she makes no note about that, but what she does notice is that there are *two* poison

labels on it. She notices also that the arsenic is *mixed with charcoal*, and contains a quarter of an ounce, and she particularly notices the handkerchief that there is *black stains* on it. The one found by Mrs. Briggs (No. 1A) had got a red stain—but this had got a black stain, and of charcoal—and that this handkerchief was found in the trunk. She takes no notice of the bottle of morphia—it contained no arsenic—which was found at the same time in this trunk by Alice Yapp, and included in this "sealed packet" which was sealed up by Michael Maybrick under the advice of Mr. Steel, his solicitor, but when she comes to the next thing in that *sealed package*, "bottle, no mark," something flashes across her mind, and she writes "no label."

What was passing through her mind then? She had taken no notice of the fact that No. 10 had no label! but when she comes to this bottle something must have flashed across her mind, for she writes "no label." This bottle contained no arsenic. Why did she notice that it had "no mark—no label." Did she recognise that bottle? and remember it—and remember that it had a label when she last saw it—and did a suspicion seize her mind that some one had taken off that label. The bottle contained no arsenic. Why did she notice the fact that it had no label?

She takes no notice of the next thing in this sealed package—the parcel of yellow powder; that, also, contained no arsenic, but the next thing—bottle of vanilla essence—attracts her attention. No arsenic was found in that. What was passing through her mind then? Was it that one of the suspicions was that she had been poisoning the food with vanilla essence, because Cadwallader, the parlour maid, had noticed something dark in some arrowroot, and the cook had said it was vanilla essence. Or was it "How did a bottle of vanilla essence get into that trunk?" It was not put there for the purpose of poisoning, because there was no poison in it. Was it a thought that it had been put there by some person who thought she had been giving her husband poisoned vanilla?

The next thing she notices is No. 6 in the list of things found at the office, that the bottle of light yellow mixture, made up by Clay and Abraham's on the 24th of April, is half full—no arsenic was found in that, but she notices it was half full.

Then she notices No. 9, that a scent bottle, found at the office, has a *dark brown mixture* in it, and that it has *no label*.

Then that *No. 10*, also found at the office, has a *dark brown mixture* in it, and that it is a mixture *for Mrs. Maybrick!*

What was crossing her mind then? Was it "What is this brown mixture? and who is this Mrs. Maybrick? and how comes this to be found in the desk at the office?"

Then she comes to No. 15, and again she notices that this is a red liquid and that there is "no label," and she adds "solution."

What is crossing her mind then? Does she recognise that bottle? No arsenic was found in any of these things at the office. Why should she notice it? No evidence was given about this bottle except the general evidence that there was no arsenic found in any of these bottles found at the office. Why, then, did she write "no label, solution" against it?

Then again No. 17, and again no label. Does she recognise this bottle?

Then, again, No. 18. She notices that it has a written label "dessert-spoonful," but again has "no label." It certainly is an odd thing to see a medicine bottle with no label on it except a written label, "dessert-spoonful."

Then she comes to No. 25, and again notices that it is a small green empty bottle, and adds "no label."

Something must have been crossing this woman's mind in the dock about these bottles found in the desk at the office with "no labels" on them. There was no arsenic found in any of them, so it could not have had anything to do with guilt. What was it?

She notices the pan, basin, and jug, and marks down the evidence about them—that there was "a small but distinct trace" of arsenic, and "must have been a good deal in it."

Well, there must, indeed, have been a *good deal* in it! if what Mr. Davies really found which he felt himself able to say in the witness box—or at all events to suggest, because he did not say it—that he had found (see the Food at Office Incident) a distinct trace of arsenic in "two little drops of dried skim rather less than a quarter of an inch long," because if he did find a distinct trace of arsenic in these little bits of the food there must have been enough arsenic in James Maybrick's luncheon to have killed fifty men, and it is a wonder James Maybrick could take it!! Yes! "there must have been a good deal in it!"

Then we come to No. 28, and she notes that there was a "syringe in case" in the desk at James Maybrick's office. Perhaps she wondered why they sent that for analysis!

Then we come to the things found by Sergeant Davenport in the linen-room, on the 17th of May. It is odd these things were not found in that linen-room before the 17th of May, because this is the same place where Alice Yapp found the things which were put into the sealed package on the 11th of May, and it is very odd—it fact, it is impossible—to believe that neither the "suspecting five" nor the police searched that linen-room to see if there was anything else there, until Sergeant Davenport looked in on the 17th of May. I, for one, will not attribute such negligence to the police, and I consequently have no sort of doubt that some one put them in for Sergeant Davenport to find.

Mrs. Maybrick notes at No. 1 and 2 that they belong to her dressing case. There was no arsenic found in them, but in No. 3, which she again notices has *no label*, Mr. Davies found a minute trace of arsenic. This bottle attracts Mrs. Maybrick's attention; she notes that it was found on "tray of trunk" and "outside," and that it contained a weak solution and $\frac{1}{10}$th of whole quantity, and then she writes the words to which I wish to rivet the attention of my readers, "face wash."

I formally requested the Home Secretary to impound that bottle—to take possession of it in official hands—so that if he thinks it to be his duty to offer no facility for further investigation into the matter, his successor in office may permit some independent analyst to examine that bottle and see whether the contents of it are derived from fly-papers. The evidence which Mr. Davies gave about that bottle is, that it contained some scent, and was such as might be used for toilet purposes, and that it contained a *trace* of arsenic.

And Mrs. Maybrick, in the dock, writes against it the words, "face wash."

If that bottle of scented liquid is found, upon independent analysis, to contain the *fibres of fly-papers*, the question of the purpose of Mrs. Maybrick in purchasing fly-papers is set at rest once and for ever. It cannot be suggested that she put arsenic into scent to administer it to her husband! or for any other purpose than that which she has marked against it, for "face wash."

Why did Mr. Matthews refuse my request that that bottle should be impounded by official authorities and submitted to independent analysis? Does such a refusal meet with the sanction of any single one of my readers? Is it fair? Is there no Member of Parliament who will see whether Mr. Matthews will refuse that request in the face of the House of Parliament of Great Britain? Is this to be the way we are to treat convicts?

Mrs. Maybrick noticed about this bottle, too, that it has "no label."

We come, then, to the things said, in the Printed List, to have been found by Inspector Baxendale in the *sitting-room on the 18th of May.*

The only one she notices is No. 3—nux vomica—until she comes to this extraordinary description of No. 7.

No. 7. Bottle of brandy, received from Edwin Maybrick, was removed from sick room at same time as poison-bottle of Valentine's Meat Juice. Has been tampered with.

Mrs. Maybrick, sitting in that dock, indignantly with double lines strikes her pencil through that scandalously unfair "has been tampered with," which the Crown handed up to the Jury.

But what is the history of this No. 7? The bottle of brandy is the half bottle of brandy which Michael Maybrick, at the sug-

gestion of Nurse Gore, removed from the sick room at eleven o'clock on Friday morning, the 10th of May! and which he handed to Dr. Carter in the afternoon of the same 10th of May! and in which no arsenic was found! and the bottle of Valentine's Meat Juice is the bottle which Nurse Gore said nothing to Michael Maybrick about on that Friday morning! but which she told him about after her return from Liverpool in the afternoon! and which Michael Maybrick then took possession of and handed to Dr. Carter on that Friday afternoon, the 10th! and which Dr. Carter handed to Mr. Davies on the night of the 11th! and in which, on the 23rd May, Mr. Davies found in a quarter of its contents two $\frac{1}{100}$ths part of a grain of "arsenic in solution." Mr. Davies would not put his signature to the unfair and untrue description of No. 7 which the police prepared, and which the Crown handed up to the Jury!

[Mrs. Maybrick underlined the words "bottle of brandy" and writes "no arsenic." She indignantly strikes out the words "*has been tampered with*," and writes opposite the Valentine's Meat Juice the evidence of Mr. Davies that he had found in "400 grains of liquor $\frac{1}{2}$ grain arsenic."]

Now I put it to my readers that this is precisely what an innocent woman would have done. It is just what it would have been *natural* for an innocent woman to have done. But if she had guilt on her mind why should she have made these notes at all?

Then we come to a number of bottles found by the coadjutor of the police in their selection of articles for the analyst, Alice Yapp!!! but the Printed List does not say where she found them! None of them contain any arsenic, and the only one which Mrs. Maybrick notices is No. 9, small glass measure.

Then we come to the bottles found in Mrs. Maybrick's dressing-room and bedroom. None of these contain any arsenic, and the only one Mrs. Maybrick notices is No. 3, which are the bottles of tincture of benzoin and elder-flower water which she purchased from Hanson, the chemist, on the 29th of April, at the same time as she purchased the fly-papers, and the only use of which is for a cosmetic face wash.

Then we come to the bottles found by Inspector Baxendale in Mr. Maybrick's dressing-room, and Mrs. Maybrick underlines No. 1, which is a small blue bottle labelled "Poison," which, however. did not contain any arsenic.

And then No. 3 medicine bottle, Clay and Abrahams', 24th April, which she underlines, and writes opposite it Mr. Davies's evidence concerning it—

"Fuller's. Arsenic, there must have been a small quantity."

I have fully discussed the questions that arise about this bottle (see Clay and Abraham incident), and need not refer to those

questions here; but I again put it to my readers, is not the note which Mrs. Maybrick put against this No. 3 precisely what it would be *natural* for an innocent woman to write? If Mrs. Maybrick had a guilty mind about this bottle, why should she write that note of Mr. Davies's evidence about it at all?

The next bottle she notices is No. 7, which she also underlines. It did not contain any arsenic. It was tincture of aconite, and labelled "Poison."

Then she notices Nos. 24 and 25. She underlines these, brackets them together, and writes against them "No label." These bottles did not contain any arsenic—what strikes her is that they have "no label." Then she notices No. 30, which she underlines. There was no arsenic in that. Why did she underline it? Then she notices No. 32—blue bottle, Price's Glycerine. She underlines this, and writes against it Mr. Davies's evidence concerning it—"$\frac{2}{3}$ grain in the entire bottle."

Again I put it to my readers, is not that exactly what it would be *natural* for an innocent woman to write? But if she had a guilty mind, why should she have made any note against it at all? Then she notices No. 33, and writes against it "No label." There was no arsenic in that. Why did she write "No label"?

Then she notices No. 37. She underlines that and writes "No label." There was no arsenic in that. Why did she write "No label"?

Then we come to the bottles found in the lavatory by Inspector Baxendale. She notices No. 1, and writes against it, "My room." The next she notices is *No. 8*, lavender water bottle containing dark fluid. No name. There is no arsenic in this, but she underlines it and again writes, "No label." She brackets 13 and 14 together, and then she notices No. 22, which she underlines, and writes against it, "No label." There is no arsenic in all these things, and this completes the list of all the things found in the house that she notices, and I put it to my readers that something must have crossed Mrs. Maybrick's mind about these bottles having no labels. When she made these notes against them, was it suspicion that some person had been removing these labels? Whatever it was, the occasion when Mrs. Maybrick made these notes, while she was in the dock, a "silent spectator of an interesting game played between counsel, with her life as the stakes," was an occasion of great anxiety to her. I have tried my best to analyse that woman's mind while she was in the dock by means of the notes she wrote on the copy of the Printed List in her hands, and my readers must make their own analysis, but to me it reveals an innocent mind. To me these notes are consistent with an innocent mind and inconsistent with a guilty mind. They are, at all events, such notes as an innocent woman, on such an occasion, would *naturally* write.

The only other note she makes is on the evidence given on the fly-papers, some of the same kind as those which she purchased at Wokes's and Hanson's having been obtained by the police from Wokes and Hanson and submitted to Mr. Davies. Mr. Davies's evidence as to these she marks down with evident and natural interest, and she specially notes his evidence that "arsenite of potash dissolves more easily." As to that evidence of Mr. Davies, that these fly-papers contain arsenic in the form of arsenite of potash, I refer my readers to Appendix A, where the result is given of most careful experiments by Mr. Godwin Clayton on these same fly-papers, in which he says that "the absence of alkaline reaction *points away* from the presumption that an alkaline arsenite was used in the manufacture of the paper;" and in the face of these experiments my readers must attach their own value to Mr. Davies's evidence upon that point; and I also refer my readers to what I have said under the heading, "The Fly-paper Incident." In these comments on Mrs. Maybrick's notes, while in the dock, on her copy of the Printed List, I need only observe that her putting down Mr. Davies's evidence about them is precisely what it would be natural for an innocent woman to write down on such an occasion.

A. W. McD.

APPENDIX C.

Hanney, Wantage, March 24, 1890.

Sir,—I am, as you no doubt are aware, taking an active part in seeking to rescue Mrs. Maybrick from what I am convinced is an undeserved imprisonment. Among other things which an investigation into this matter has led me to become convinced upon is that the bottle of Valentine's Meat Juice, which was handed to you by Dr. Carter on the 11th of May, is not the same bottle which was in Mrs. Maybrick's hands, and which she took into the dressing-room on the night of Thursday the 9th of May.

Of course with that you, as an analyst, have nothing to do, and I only mention it to impress upon you the gravity of the questions I am going to put to you.

Dr. Carter did not, either at the inquest or at the Magisterial inquiry, say anything about either having himself tested the specific gravity of that bottle of Valentine's Meat Juice, or about having called your attention to the specific gravity being diminished, and at the trial he merely said that the question of specific gravity had occurred to him.

In an article which he has had published in the *Liverpool Medico Chirurgical Journal* of January, 1890 (p. 142), he makes a remarkable statement, and lays claim to having communicated to you that "on weighing equal quantities of the specimen given to me—of some from a previously unopened bottle—and of distilled water respectively, I found it *was* reduced, and that considerably. In a note to Mr. Davies I specially directed his attention to these points."

In your evidence you stated that you took the specific gravity of the two samples which were submitted to you—as you, as an analyst, would naturally have done—viz., that of the half bottle handed to you by Dr. Carter on the 11th of May, and that of the half bottle handed you on the 14th of May by the Police, being No. 7 in the printed list of articles prepared by the Police (and which is in that list inaccurately described as "found in Mrs. Maybrick's dressing-room by Inspector Baxendale—Meat Extract," but which was found by Mrs. Briggs on the 12th). Your evidence was that you found that the specific gravity of the bottle handed to you by Dr. Carter was considerably lower than the one handed you by the Police, and that you had not taken the specific gravity of any other example of Valentine's Meat Juice.

Dr. Carter's statement in the journal which I have quoted implies that at or about the time of handing you the half bottle for analysis he had tested the specific gravity of it with that of a previously unopened bottle, and had called your special attention to the fact that it was considerably reduced. As you did not yourself at once test it with a sample of an unopened bottle, I apprehend Dr. Carter's language is inexact, and that you did not receive any such intimation from him at the time.

Will you please inform me on what date you received the note from Dr. Carter, to which he refers?

The next question I will ask you is—What is the exact difference of specific gravity you found between the two samples you tested?

Of course you will understand that I am only asking you a strict question of scientific examination which you, as analyst, will understand is not answered by the phrases "considerably lower"—and "very much less" which

you used in your evidence. I am therefore certain that you will not mix up any such strict scientific question with any feelings either for or against Mrs. Maybrick which you may entertain as an individual. I will ask you to answer this question in exact and full detail. It is one of material importance in the interests of justice, and this letter and your reply will be forwarded to the Government authorities.—I am, yours faithfully,

ALEXANDER W. MACDOUGALL.

Edward Davies, Esq., F.C.S., Liverpool.

Royal Institution Laboratory,
Liverpool, March 25, 1890.

A. MacDougall, Esq.

Sir,—Since the beginning of the Maybrick case I have carefully refrained from writing to the newspapers or allowing myself to be interviewed. Being perfectly satisfied of the justice of the verdict I decline to enter upon any discussion, as that is not in my duty in the matter.—I remain, yours respectfully,

E. DAVIES.

Hanney, Wantage, March 26, 1890.

Sir,—I am in receipt of your letter of the 25th. The questions I put to you were simple questions of fact, which could not possibly have been affected by any view which you, as an individual, may take as to the justice of the verdict of murder against Mrs. Maybrick.

You gave your evidence as an analyst presumably free from any personal opinion upon the question of guilt or innocence—as, in fact, a scientific man—and not as a "witness for the prosecution" for the purpose of establishing your personal views on the question submitted to the jury, and the two questions I put to you referred solely to that evidence of yours upon certain pure matters of fact concerning a certain bottle of Valentine's Meat Juice which Dr. Carter employed you to analyse.

You think it becoming, with knowledge that my object in asking them is to rescue a woman whom I and many thousands are convinced is an innocent woman, to decline to answer those questions about that bottle of Valentine's Meat Juice, upon the ground of your personal satisfaction in the verdict of the jury, that the cause of Mr. James Maybrick's death was arsenic feloniously administered to him by Mrs. Maybrick.

You can, if you so desire it, leave this correspondence as it stands. I, who take an entirely opposite view of the justice of the verdict, and have also a strong opinion as to the way in which the charge was put upon Mrs. Maybrick, and the verdict obtained, can desire no more forcible justification for that strong opinion than that the analyst whom Dr. Carter employed to analyse that bottle of Valentine's Meat Juice should make an exhibition of his partisanship with Dr. Carter in his opinion as to the cause of death as to refuse to answer the two simple questions of fact I have put to you—on the grounds you yourself have selected. I will repeat the two questions in a formal shape:—

(1) On what day did you receive the note which Dr. Carter now alleges that he sent you, calling your attention to the fact that he had found by experiment that the specific gravity of the Valentine's Meat Juice which he handed to you for analysis was considerably reduced?

(2) What were the specific gravities of that bottle, and the bottle which was subsequently handed to you for analysis by the police?

As neither of these facts were disclosed at the trial, I am inclined to suppose that your reason, as an analyst, for declining to answer these questions is not that you take a personal view as to the justice of the verdict, but that you are unable to answer them.—Yours faithfully,

ALEXANDER W. MACDOUGALL.

E. Davies, Esq.

Hanney, near Wantage, April 3, 1890.

To the Right Hon. Henry Matthews, Q.C., M.P.,
H.M. Secy. of State for Home Department.

Sir,—I beg to enclose and to call your attention to a copy correspondence between myself on behalf of Mrs. Maybrick's friends and Mr. Edward Davies, who, as analyst, was one of the Crown witnesses at the trial of Mrs. Maybrick.

And I beg to ask, as Mr. Davies declines to state it on the ground of his personal views upon the verdict, whether you will inform me, what are the respective specific gravities of the Valentine's Meat Juice handed to Mr. Davies for analysis by Dr. Carter on the 11th of May, and of the Valentine's Meat Juice handed to Mr. Davies for analysis by the police on the 14th of May.

I am aware from your letter to Mr. J. Slater Lewis in reference to the evidence of one of the Crown witnesses, Alfred Schwiesso, that you do not consider it your duty as representing the Queen to make any inquiries as to the way in which the evidence of witnesses, made use of by the Crown against Mrs. Maybrick, was presented by the police; but as these two bottles of Valentine's Meat Juice were taken possession of by the Crown, and are not under the jurisdiction of the local authorities as policemen are, and used as evidence against Mrs. Maybrick, and cannot be examined without your consent by anyone, you may have a different view of your duty to the Queen in respect of bottles to that which you have in respect of policemen.

If so, will you either inquire or inform me what the respective specific gravities of these two samples of Valentine's Meat Juice are, or give me facilities for ascertaining those gravities by a competent analyst.—I am, sir, your obedient servant,

ALEXANDER W. MACDOUGALL.

Whitehall, April 11, 1890.

Sir,—With reference to your letter of the 2nd instant, asking to be informed as to specific gravity of certain Valentine meat juice used in evidence at the trial of Florence Maybrick, I am directed by the Secretary of State to say that he must decline to discuss questions of evidence, in a criminal case, with private persons, or to comply with the request contained in your letter above mentioned.—I am, sir, your obedient servant,

GODFREY LUSHINGTON.

A. MacDougall, Esq., Hanney, near Wantage.

Hanney, Wantage, April 12, 1890.

To the Right Hon. Henry Matthews, Q.C., M.P.,
H.M. Secretary of State.

Sir,—I have received with considerable surprise your letter of the 11th inst., in which Mr. Godfrey Lushington is directed by you to say in reply to my letter to you of the 2nd inst., that you "Must decline to discuss questions of evidence in a criminal case with private persons."

Either you have not taken the trouble to read my letter or you have considered yourself entitled to treat me with discourtesy, either of which in a matter of so much importance as the Maybrick case causes me considerable surprise. I have not expressed or felt any desire to "discuss questions of evidence in criminal cases" with you. I moreover deny any right of a Minister of the Crown, in his official capacity, to discuss any questions of evidence in criminal cases with any one, whether private person or public authority, such questions are exclusively questions for the jury and not for the Crown. In my letter to you of the 2nd inst. I confined myself to a request that you would inform me as to a matter, not of evidence, but of fact—because it is only ascertainable through you—viz., the respective gravities of Valentine's meat juice contained in two bottles taken possession of by the Crown, and used as evidence against Mrs. Maybrick at her trial by the Crown—viz., as to the specific gravities of which no evidence whatever was given, except that one was of a "considerably lower" specific gravity than the other.

I must respectfully repeat my request for this information. I am not exactly a private person in this matter. I represent Mrs. Maybrick's relations and friends, and also a very large number of persons in almost every town in the kingdom, who are of opinion that Mrs. Maybrick's detention in prison for two alleged crimes, viz.: felonious administration, and felonious attempt to administer arsenic, as to which she has never been tried nor convicted by a jury, is an illegal imprisonment, and contrary to Magna Charta.

These are questions which belong solely to the people, and can only be discussed in Parliament or in the Law Courts, and not with a Minister of the Crown; but the question of fact as to specific gravity which I have asked you, is one which I respectfully submit I am entitled to information upon from you.—I am, your obedient servant,

A. W. MacDougall.

Whitehall, April 22, 1890.

Sir,—With reference to your further letter of the 12th inst., I am directed by the Secretary of State to say, that he has nothing to add to his former communication to you regarding the case of Florence E. Maybrick.—I am, sir, your obedient,

E. Leigh Pemberton.

A. W. MacDougall, Esq., Hanney, near Wantage.

[Note.—*I have in a further correspondence with the Home Office requested Mr. Matthews to take precautions that the bottle of Valentine's Meat Juice—bottle No. 10—and also certain other bottles which I have specified, should be secured in official hands, in order that if his successor in office at the Home Office should feel it to be his duty to afford an opportunity of examining these bottles by an independent analyst, the bottles may be preserved in their present condition and available for such an examination, and Mr. Matthews having declined to give me any assurance of this, I have formally notified him that they may be required for a purpose involving serious consequences, and there the matter stands, and perhaps, as there is no other means of examining these bottles, some of my readers will agree with me that it ought not to be allowed to stand there simply because Mr. Matthews chooses to so regard his duties to the Queen.—A. W. McD.*]

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